COLLECTANEA
AD
STATUM CIVILEM
ET
ECCLESIASTICUM
COMITATUS
DUNELMENSIS

UNIVERSITY OF PITTSBURGH

Darlington Memorial Library

COLLECTANEA

AD

Statum ***CIVILEM*** *et* ***ECCLESIASTICUM***

COMITATUS

DUNELMENSIS

Spectantia,

Ex variis Codicibus tam Manuscriptis, quam Impressis, sine ordine congesta.

Gather up the Fragments that remain.

The Continuance of all the Bishops of Durham from St. Aidaine to Cuthbert Tunstall.

1. St Aidaine 17 yeares
2. Finane 10
3. Colman 3
4. Tuda *dyed within* 1
5. Eata 18
6. St. Cuthbert 2
7. Eadbert 10
8. Eadfrid 24
9. Ethelwood 16
10. Cinewoolfe 18
11. Higbald 22
12. Egbert 18
13. Heathured 9
14. Egreede 16
15. Eanbert 8
16. Eardulph 39
17. Cutheard 15
18. Tilrede 14
19. Wigrede 17
20. Whrede 3
21. Sexhelme 6 *moneths*
22. Aldred 12
23. Elflige 22
24. Aldun 29
25. Edmond 23
26. Eadrede 10 *moneths*
27. Egelricke *a certaine time*
28. Egelwine 15
29. Walcher 9
30. William *of* Karolf 15
31. Ranulph 29
32. Galfride 8
33. William *Deane of York* 9
34. Hugh 41
35. Phillip 11
36. Richard *Chancelour* 11
37. Richard *surnamed the Poore* 11
38. Nicholas 8
39. Walter Kirkham 10½
40. Robert Stitchill 14
41. Robert *of the Ile* 9
42. Anthony Becke 28
43. Richard Kellow 5½
44. Lewes *of* Beamont 16
45. Richard *of* Bury *a certane time*
46. Thomas Hatfield *a certane time*
47. John *of* Fordham 8
48. Walter Skirlaw 8
49. Thomas Langley 31
50. Robert Nevell 19
51. Laurence Booth 20
52. William Dudley 6
53. John Sherwood 11
54. Richard Fox 7
55. William Sinowes 3
56. Christofer Bainbrigg 1
57. Thomas Ruthall 14
58. Thomas Woolsey 7
59. Cuthbert Tunstall 29

Since the decay of Catholicke Religion in England, others have succeeded, who have had the Revenues and Title of Bishopps of Durham, whose names ensue.

	Anno Christi	*Yeares Continuance.*
James Pilkington	1560	16
Richard Barnes	1577	11
Mathew Hutton	1589	5
Tobias Mathew	1594	2
William James	1606	10
Richard Neale	1617	11
John Howson	1628	2
Thomas Morton	1630	

REMARKS of the Rev. Mr. Rud upon the Book, intituled " The Origin and Succession of " the Bishops of Durham &c."

(E Catalogo Codicum MSS. Ecclesiæ Cathed. Dunelm. descripto a Thoma Rud ejusdem Ecclesiæ Bibliothecario.)

LIBER Chartaceus est, in 8*vo.* minore. Sic incipit " *Aidane the first Bishopp. First it is to be understood, that &c.* " Definit in *Cuthberto Tunstallo* qui anno 1559 mortuus est. Folia quidam aliquot sequentia excisa sunt, sed non ulterius deductam fuisse hanc Historiam ostendit qui subjicitur in fine Indiculus Episcoporum; eorum scilicet qui vere fuerunt Episcopi: sequentes enim nomine solo fuisse ait. Nisi forte aliquis malignitate ejus in Reformatos offensus, ea exsciderit. Pontificüs enim addictum fuisse hunc scriptorem ostendit notula hæc præfixa nominibus Episcoporum Reformatorum, quos a Pontificiis seperavit: " *Since the decay of Catholicke Reli-* "*gion in England, others have succeeded, who have had the Revenues and* 'Titles of Bishopps of Durham.".

Ait se collegisse Historiam hanc e Chartis originariis hujus Ecclesiæ. Talium quidem Chartarum magnus numerus in Ecclesiæ tabulario servatur: Earum vero pervolvendarum copia non facile cuiquam conceditur, homini præsertim a nostris sacris alieno; nec nisi Canonicorum aliquo præsente; idque ad breve tantum tempus, quantum ad rem aliquam singularem perquirendam, non quantum ad rerum gestarum Historiam continuam ex iis colligendam sufficeret. Nec sane operæ pretium erat tantum laboris insumere ad Historiolam jejunam contexendam. Potuit quidem pervolvere *Symeonis Historiam Dunelmensis Ecclesiæ*, quæ eo tempore edita non fuit; cujusque Exemplar Manuscriptum vetustissimum et pulcherrimum Dunelmi servabatur; ejusque Continuationem in eodem Codice; sed ea non progreditur ultra annum 1153. Et sequentes Historici a *Whartono* in *Anglia Sacra* editi quantum ex veteri Codicum Manuscriptorum Catalogo conjicere licet, in hac Bibliotheca frustra quærerentur.

Collecta est hæc Historia a *T. R.* impensa (ut ipse in Præfatione ait) *Johannis Hall* de *Conset*, agri Dunelmensis viculo. Qui cum eam (amissam, ut putavit) post multos annos insperato recuperasset, Præfationem ei adjecit, paulo (ut videtur) antequam *Carolus* secundus ab exilio revocatus est; *Thoma Mortono* (qui in Episcoporum serie ultimus est) adhuc superstite.

Librum hunc Bibliothecæ dono dedit Vir doctissimus *Georgius Hickes* S. T. P.

MANORS

HELD OF THE BISHOP *of* DURHAM

IN

CAPITE, *by* KNIGHT'S SERVICE, *and other* TENURES, &c.

The Bishops of Durham anciently had Royal Tenures *and* Services, *of or for all, or most of the Lands within the County Palatine, as* Knights-Service, Soccage, Dringage, *Carriages to his Manors, Forests and Chases,* Castle-Guarder *and many others, retained to this Day; (saving where the Act of Parliament that takes away the Court of Wards and Liveries as* 12 Car. 2. c. 24. *makes an Alteration of the Tenure to* Free Soccage.)

MANOR of ERESBY *in the County of LINCOLN.*

John de Willoughbey 46 *Ed.* 3. 1372. died seized of the Manor of ERESBY with its Members (*viz.*) SPILLESBY, GREBBY, INGOLDMELS, FLYXBURGH, TONELBY, FRISKENY, BISCOPTHORP, ASKEBY, KYRKEBY *super* BAYNE, TATERSALL and THORPE, all which he held of the Bishop of Durham by the Service of *one Knights Fee, and by the Service of being Bailiff to that Bishop for the time being, of all his Lands in the County of Lincoln, of his Fee*; viz. *to hold his Courts, and to make summons, Attachments, Distresses and whatsoever belonged to the same Office, at his own proper Costs, and his Heirs: Also to levy all the Issues and Profits arising thereby, by himself or his sufficient Deputy, and to be answerable to the Bishop and his Successors for the same.* Likewise, by the Service *of being Steward to him and his Successors, and to carry the Messes of Meat to the Table upon the Day of their Consecration, as also at Christmas and Whitsontide, by himself or his eldest Son in case he were a Knight, or some other fitting Knight thereunto deputed by letters Patent.* Esch. Roll. 46. Ed. 3. n. 78. Dugdales Baronage Vol. 2. p. 84. Blounts Tenures. p. 133.

MANORS of STANHOPE, WOLSINGHAM, *and* AUCKLAND *in the County of DURHAM.*

Stanhope, together with Wolsingham and Auckland in the *Bishoprick* of *Durham*, were held of the Bishop by *Forest-Service*, besides Demesnes and other Tenures. Particularly *upon his great Huntings, the Tenants in those Parts were bound to set up for him a* Field-house *or* Tabernacle *with a Chapel and all manner of Rooms and Offices; as also to furnish him with Dogs and Horses, and to carry his Provision, and to attend him during his Stay, for the Supply of all Conveniences.* Camd. Brit. 944. English Copyholder 511.

☞ *This is now probably changed into a Pecuniary Payment.*

A Count Palatine who has Jura Regalia *granted to him, may create a* Tenure in Capite *to hold of himself; for by the Grant, it is in a manner disjoined from the Crown and out of the King, and he is made a Petty King.* Davis Reports. 62. 66.

MANORS of BINCHESTER & HUNWICK *in the County of Durham.*

John Fordham Bishop of Durham 5 Rich. 2. 1382. by his Letters Patent granted Licence to *Robert de Bynchestre* to make a Feoffment in Fee of the Manors of *Binchestre* and *Hunwick*, held of the Bishop in Capite. *Madox's Formulare. Num.* 570. *p.* 323. *(viz.)*

JOHANNES Dei Gratia Episcopus *Dunolmensis*, Omnibus ad quos præsentes Literæ pervenerint salutem. Sciatis quod de gratia nostra speciali et per finem decem librarum quem dilecti nobis in Christo *Ricardus de Chesterfeld* Persona Ecclesiæ de *Brancepath* et *Willelmus de Sutton* Persona Ecclesiæ de *Whitwell* in *Scaresdale* fecerant nobiscum, concessimus et licenciam dedimus pro

pro nobis et Successoribus nostris quantum in nobis est *Roberto de Bynchester* quod ipse de Maneriis de *Binchester* et de *Hunwyk* cum pertinenciis quæ de nobis tenentur in capite feoffare possit præfatos *Ricardum* et *Willelmum*; Habendis et tenendis sibi et hæredibus suis de nobis et Successoribus nostris per servicia inde debita et consueta imperpetuum; ita quod iidem *Ricardus et Willelmus* habita inde plena et pacifica seisina dare possint et concedere prædicta Maneria cum pertinenciis præfato *Roberto* et *Katerinæ* uxori ejus; Habenda et tenenda eisdem *Roberto* et *Katerinæ* et hæredibus masculis de corporibus ipsorum *Roberti* et *Katerinæ* exeuntibus de nobis et Successoribus nostris per servicia prædicta imperpetuum; ita quod si iidem *Robertus* et *Katerina* sine hærede masculo de corporibus suis exeunte obierint, tunc prædicta Maneria cum pertinenciis post mortem prædictorum *Roberti* et *Katerinæ*, *Johannæ* filiæ prædicti *Roberti* et hæredibus de corpore ipsius *Johannæ* exeuntibus remaneant, tenenda de nobis et Successoribus nostris per servicia prædicta imperpetuum: Et si eadem *Johanna* sine hærede de corpore suo exeunte obierit, tunc prædicta Maneria cum pertinenciis rectis hæredibus ipisus *Roberti* remaneant, tenenda de nobis et Successoribus nostris per servicia prædicta imperpetuum: Et eisdem *Ricardo* et *Willelmo* quod ipsi prædicta Maneria cum pertinenciis a præfato *Roberto* recipere possint et tenere sibi et hæredibus suis ut prædictum est imperpetuum: Nolentes quod iidem *Ricardus* et *Willelmus* vel hæredes sui ratione præmissorum per nos vel Successores, Justiciarios, Escaetores, Vice- comites, aut alios Ballivos seu Ministros nostros quoscunque occasionentur, molestentur in aliquo seu graventur. In cujus rei testimonium has Literas nostras fieri fecimus Patentes; datas *Dunelmi* per manus *Willelmi de Elmeden* Cancellarii nostri *decimo* die *Julii* anno Pontificatus nostri *tercio*.

☞ *John Fordham Bishop of Durham had Restitution of the Temporalties of that See.* 23. *October* 5. *Ric.* 2. *Original de anno* 5. *Ric.* 2. 1382. *Rot.* 27. *ex parte remem. Thes.*

A PARDON *from* Thomas Langley *Bishop of Durham of a Trespass in purchasing Lands held of him* in Capite *without his Licence*,

1, May 1430.

Madox Form. fo. 331. num. 587.

THOMAS Dei gratia Episcopus Dunelmensis, Omnibus ad quos presentes literæ pervenerint salutem. Sciatis quod cum *Willelmus Tunstall*, Clericus, *Willelmus Horne* Clericus, *Gilbertus Waweton*, *Johannes Morton*, et *Johannes Quixley* nuper adquisivissent sibi ut hæredibus suis de *Radulpho* nuper Comite *Westmerlandiæ* Domino de *Neville de Raby* et de *Midelham*, Maneria de *West-Brandon*, *Inesley*, *Roulce*, *Hedley*, *Cornesowe*, *Thornelee*, *Grenewell*, *Helmepark*, *Bynchestre*, *Whitworth*, *Whetelawe*, *Westberden*, *Pelton*, *Wynlaweton*, *Staynton in le Strete*, cum pertenenciis; ac tria Messuagia, sex bovatas et novem acras terræ et prati cum pertinenciis infra Manerium nostrum de *Blakwell*, per nomen Manerii, de *Blackwell*; ac unum Messuagium centum et quaterviginti et quindecim acras terræ prati et bosci cum pertinenciis infra Manerium nostrum de *Bires* per nomen Manerii de *Bires* quæ de nobis tenentur in Capite; et illa ingressi fuissent licentia nostra super hoc non optenta. Nos de gratia nostra speciali et pro ducentis libris nobis solutis in Camera nostra, Perdonavimus transgressionem factam in hac parte. Et ulterius concessimus pro nobis et successoribus nostris, quantum in nobis est, præfatis *Willelmo*, *Willelmo*, *Gilberto*, *Johanni*. et *Johanni*, quod ipsi habeant et teneant Meneria, Messuagium, Terram; Pratum, et Boscum predicta cum pertinenciis sibi er hæredibus suis de nobis et successoribus nostris per servicia inde debita et censueta imperpetuum: Nolentes quod prædictus nuper Comes vel hæredes sui aut præfati *Willelmus*,*Willelmus*, *Gilbertus*, *Johannes*, et *Johannes* vel hæredes sui racione præmissorum per nos vel successores nostros Justiciarios, Escaetores, Vice-comites, aut alios Ballivos seu Ministros nostros vel successorum nostrorum quoscunque inde occasionentur, molestentur in aliquo seu graventur.

graventur. In cujus rei testimonium has Literas nostras fieri fecimus Patentes; Datas *Dunelmi* per manus *Willelmi Chaunceller* Cancellarii nostri *primo* die *Maii* anno Pontificatus nostri *vicessimo quarto.* Per ipsum Episcopum.

☞ *The original is in the Augmentation Office to which a diminished Seal of Yellow Wax upon a Parchment Label is appendant. On the foreside the Bishop clad in Pontificals, sitting on a Throne; on the Reverse he is in the Equipage of a Knight mounted on a stately Horse.* Robert Nevill *the next Bishop used the like Seal.*

A FINE *of a Manor, Lands & Rent, levied in the Court of* Thomas (Hatfield) *Bishop of Durham before his Justices and Liegemen,* 1370.

Madox Form. p. 226. num. 380.

HÆC est finalis Concordia facta in Curia Domini *Dunelmensis* Episcopi apud *Dunelmum* die Veneris proxima post festum Circumcisionis Domini anno regni Domini *Edwardi* Regis Angliæ tercii post Conquestum quadragessimo quarto regni vero sui Franciæ tricessimo primo et Pontificatus Domini *Thomæ* Episcopi vicessimo sexto coram *Johanne Moubray Thoma de Ingelby* et *Alano de Shotelyngton* Justiciariis assignatis et aliis dicti Domini Episcopi fidelibus tunc ibi præsentibus inter *Johannem de Nevill de Raby* Chivaler *Querentem* et *Katerinam de Whitfield Deforciantem* de Manerio de *Newton Haunsard* quadraginta messuagiis sexcentis acris terræ sexaginta acris prati et centum solidatis redditus cum pertinenciis in *Swayneston et Elmeden* unde placitum convencionis summonitum fuit inter eos in eadem Curia scilicet quod prædicta *Katerina* recognovit prædicta manerium tenementa et redditum cum pertenenciis esse jus ipsius *Johannes* et illa remisit et quiete clamavit de ipsa *Katerina* et hæredibus suis præfato *Johanni* et hæredibus suis imperpetuum. Et pro hac recognitione remissione quieta clamancia fine et concordia prædictus *Johannes* dedit præfatæ *Katerinæ* unum Espervarium Sorum.

THE Indenture-part *of a* FINE *levied in the Court held at* SADBERGE *in the time of* Robert Nevill *Bishop of Durham before his Justices.* 27. Hen. 6*th* 1449,

HÆC est finalis Concordia facta in Curia Domini *Dunelmensis* Episcopi apud *Sadberge* die Mercurii proxima ante festum Sancti Laurencii Martyris anno regni *Henrici* Regis Angliæ et Franciæ *sexti* post Conquestum vicessimo septimo et Pontificatus Domini *Roberti* Episcopi Dunelmensis anno duodecimo coram *Willelmo Nevill* Dom. de Fauconberge, *Thoma Nevill, Thoma Lumley Willelmo Eure, Thoma Fulthorpe* Militibus *Johanne Pockyngton Roberto Beaumont* Clerico *Roberto Danby Christophoro Boynton Johanne Lounde* Clerico *Willelmo Rackett* et *Recardo Wenden* Justiciariis ipsius Episcopi apud *Sadberge*. Et preterea scilicet die lunæ proxima post festum Sancte Luciæ Virginis anno regni Regis prædictæ vicessimo octavo et Pontificatus dicti Domini Episcopi anno duodecimo supradictæ coram eisdem Justiciariis et aliis dicti Domini Episcopi fidelibus tunc ibi præsentibus ibidem concessa et recordata inter *Willemum Blackwell* Capellanum *Thomam de Baines* et *Thomam Counden Sacrentem* et *Thomam Norman* de *Novo Castro super Tynam* et *Margaretam* Uxorem ejus *Deforcientes* de duobus Messuagiis et sexaginta acris terræ cum pertinenciis in cotom Amundeville unde placitum convencionis summonitum fuit inter eos in eadem Curia, scilicet &c.

THE WRIT *of* Thomas Langley *Bishop of Durham to adjourn the Sessions on account of the Plague.* 15*th* Sept. 1416.

THOMAS Dei gratia Episcopus Dunelm. Vicecomiti Dunelm. Salutem. Quia tam propter *gravem Pestilentiam* que in Civitate nostra Dunelm. et partibus vicinis a diu est duravit et adhuc quod dolendum est durat quam quibusdam aliis de causis nos moventibus omnes Assisas juratas Certificationes et Attinctas coram Justiciariis nostris apud Dunelm. in Comitat. Dunelm. arraiand. que coram eis die Jovis proximo ante festum Sancti Mathæi Apostoli restant.

Manor

MANOR of RABY *in the County of DURHAM.*

About the 13 Ed. 1. 1285. there was much Variance between the Inhabitants of the *Bishoprick of Durham* and *Anthony Beke* (that great Prelate) then Bishop of Durham, by reason he had compelled them to go twice into Scotland with Horse and Arms; which they alledged to be contrary to right, in regard they held their Lands to defend the Body of *S. Cuthbert*; and that they ought not, neither for King or Bishop, to go beyond the Rivers of *Tyne* and *Tese*: RALPH NEVILL then Lord of RABY was the chief Countenancer of those who thus opposed the Bishop. And not long after, another Dispute arose between this *Ralph* and *Hugh de Darlington* then Prior of Durham, *about the offering of a Stag every Year upon S. Cuthberts day in September;* which (in truth) was rather a Rent than an Oblation, in regard he held RABY with the Eight adjoining Townships, by the yearly Rent of *Four Pounds and a Stag*. For contrary to the custom of his Ancestors, he not only required, that the Prior of Durham at the offering of the Stag ought to feast him and all the company he should bring; but that the Priors own menial Servants should for that time be set aside, and his peculiar Servants and Officers put in their stead. Whereupon amongst other of his Guests he invited *John de Balliol* of *Barnard Castle* who refused to go with him, alledging, that he never knew the *Nevills* to have such a Privilege there: *Sir William de Brompton* (the Bishops Chief-Justice) likewise acknowledging, that he himself was the first who began that extravagant Practice; for being a young Man and delighting in hunting, he came with the *Lord Nevill* at the offering of the Stag, and said to his Companions, *Come let us go into the Abby and wind our Horns*, and so they did. The Prior farther adding, that before the time of this *Ralph*, none of his Predecessors ever made any such Claim, but when they brought the Stag into the Hall they had only a Breakfast; nor did the Lord himself ever stay Dinner, except he was invited.

In

In *5th. Ed.* 3. 1331. *Ralph Nevill* (Son of the former) doing his Fealty to *William de Cowton* then Prior of Durham upon Lammas day for the Manor of RABY; he told him, that he would offer the Stag as his Ancestors had done; saying that, whereas his Father required, that the Priors Servants should be set aside at that time, and his own serve in their stead; he would be content, that his should attend together with those of the Priors: And whereas his Father insisted, that his Servants should only be admitted at Dinner; he stood upon it, that his should be there entertained the whole day, and likewise the morrow at Breakfast.

Whereunto the Prior made Answer, that none of his Ancestors were ever so admitted, and that he would rather quit the Stag, than suffer any new Custom to the prejudice of their Church. But to this *Ralph* replied, that he would perform the whole Service or none, and put the Trial of his Right upon the Country. The Prior therefore knowing him to be so powerfull, and that the Country durst not displease him, declined the offer. However at length to gain his favour, (in regard he had no small Interest at Court, and might do him a kindness or a displeasure) was content for that one time he should perform it as he pleased, so that it might not be drawn into example afterwards; and for that purpose proposed, that Indentures should be made between them.

Wherepon the *Lord Nevill* brought but few with him, and those more for the honor of the Prior than a burthen, and so shortly after Dinner, took his leave, but left one of his Servants to lodge there all Night, and to take his Breakfast there on the next Day; protesting, that being both a Son and Tenant to the Church, he would not be burthensome to it, in respect it would be no advantage to himself, but might much damnify it, if he should bring with him as great a Train as he would, saying, *What doth a Breakfast signify to me? Nothing.*

And likewise, if the Prior would shew that he had no right to what he so claimed, he would freely recede therefrom; and if he had a right, he would

would accept of a Composition for it, rather than to be burthensome to the Convent; but if they should put him to get his Right by Law, then he would not abate any thing thereof.

Whereupon enquiry being made amongst the oldest Monks of that House; they affirmed, that being of Eight Years standing when his Father was before repulsed, they had often seen the Stag offered, and that he never staid Dinner, but when the Prior invited him; and some antient Men of the Country testified as much; as also, that as soon as the Stag was brought, they carried him to the Kitchen, and those who brought him, were taken into the Hall to Breakfast, as they that brought their Rents used to be.

Moreover, when it happened any of the *Lords Nevill* to be desired to stay Dinner with the Prior, his Cook was admitted into the Kitchen to prepare a Dish for him; so likewise another Servant in the Cellar to chuse his Drink, and in like manner some other at the Gate, who knew his Servants and Followers, merely to let them in, and keep others out, who under pretence of being his Servants, might then intrude; but this was only done by the Prior as out of Courtesie and respect, and not at all out of Right.

Hereupon *Henry le Scrope* one of the Justices affirmed, that he had been of Counsel with *Ralph Nevill* (Father of this *Ralph*) when he brought his Writ of *Novell Disseisin* against the Prior; and told him, that he had no right at all: Whereupon *Ralph* let fall his Suite.

Some said, that making this claim out of his own Fee, he ought there (*viz.* in the Priory) to shew some special Evidence to assert his Claim. Others that as thePrior did challenge nothing of him, but what was reserved by the Grant; so could not he, unless he shewed a Charter for it. And besides, claiming to be entertained with as many as he should bring, and not specifying the number, there could be no lawful reason for it, because the Stag was always offered on *Holy Rood* day, whereupon grew an old Song in rhyme as a Lamentation for *Robert de Nevill* his Great Grandfather.

Wel

Wel I wa, fal ys hornes blaw
Holy Rode this Day;
Nou es he dede, and lies law
Was wont to blaw thain ay.

Moreover it was further said, that it never had been the Custom of the Prior to make a Feast on that Day, when the Servants of so great a person were to offer; and that the Prior usually on *S. Cuthberts* day had wont to dine with the Bishop at some of his own Manor houses; therefore, who should compel him to make a Feast at home? Likewise, that those Lands were given to the Ancestors of this *Lord Nevill*, when they were not such great Men as to have a Marshal, a Butler and other Servants of State; for in those Days they had no more than RABY with its Appurtenances, which was not then of so much worth as now; for BRANCEPATH and RASKELFE came to them since by Marriage; as also other Lands in *Yorkshire* and *Richmundshire*: therefore it could not be thought that the Prior of Durham did give them Lands of such Value, and purchase the Service to be done for them at so high a rate, especially considering, that in the Priors Land Book not only all the Services are exactly registered, but whatsoever others ought to receive of him. And lastly, that there is not so much as mention of this Service in any of their Chronicles.

In 41. *Ed.* 3. 1347. This *Ralph Nevill* died, and was buried in the Church of Durham, on the South side thereof being the first Secular Person that had Sepulture there; which favour he obtained from the Prior and Convent for a Vestment of Red Velvet, richly embroidered with Gold, Silk, Great Pearls and Images of Saints standing in Tabernacles, by him given to *Saint Cuthbert*: His Body being brought in a Chariot drawn with Seven Horses, unto the bounds of the Church Yard, and then carried upon the Shoulders of Knights into the middle of the Church, where the Abbot of *S. Maries* in *York* (by reason of the Bishops absence and impotency of the Prior) performed the Office of the Dead, and celebrated the morrow Mass, at which were offered Eight

Eight horses, (*viz.*) four for the War, with four Men armed, and all their Harness and Habiliments; and four other for Peace: As also three Cloths of Gold of a blue colour, interwoven with flowers; four of which Horses were after the Funeral redeemed by *John de Nevill* his Son and Heir for *One Hundred Marks.*

Besides all which, *Alice* his Widow sent to the Sacrist 120 Pounds of Silver for the repairs of the Cathedral; and moreover gave thereto for celebrating his Anniversary, one Vestment, two Tunicles, one Cope, three Albs, three Stoles, four Maniples of black Sattin, and another Vestment to be used at the celebration of the Sacrament, embroidered with the Arms of *Nevill* and *Audley* (She being the Daughter of *Hugh* Lord *Audley*) She died in 1374 leaving three Sons *John*, *Robert* and *William.*

John the *Eldest* about the 45 of Edward *3d.* 1371. made all that new work of Marble and Alablaster in the Church of Durham, under the Shrine of *S. Cuthbert* which cost above two hundred Pounds. He died 17 Oct. 12. Rich. 2. 1389 and was buried on the Southside of the Body of the Cathedral at Durham. At the Funeral of his *first* Wife (*Maud Daughter of Lord Percy*) there were offered in the Church of Durham, Six Cloths of Gold, whereof several Vestments were made, *viz.* two for the High Altar, as also one Chesible and two Tunicles. His *second* Wife was *Elizabeth* Daughter and Heir to *William* Lord *Latimer* of *Danby*, who died 1396. By his *first* Wife he had an only Son *Ralph* who was the *first Earl* of *Westmorland.*

Extract from the Will of *John Nevill* Lord of *Raby.*

IN Dei nomine Amen. *Ultimo die Augusti anno Domini* 1386. *Ego* Johannes de Nevill *Dominus de* Raby *condo testimentum meum in hoc modo. In primis do et lego animam meam Deo et beatæ Mariæ et omnibus Sanctis corpusque meum ad sepeliendum Monasterio Dunolmensi juxta corpus* Matildæ *quondam uxoris meæ.*

Item

Item do et lego pro omnimodis expensis sepulturæ meæ faciendis de ordinacione Executorum meorum cc *l. Item volo quod* xxiiii *Torches et* v *Tapers, quolibet Taper pondere* x *lib. præparentur pro sepultura mea absque alio hercio. Et volo quod dicti* xxiiii *torchii teneantur per* xxiiii *pauperes indutos togis de russeto. Et volo quod Cista corporis mei cooperiatur cum panno laneo de russeto et* i *cruce rubea, et quod barrarii circa corpus meum die sepulturæ meæ ordinentur de eadem setta, et quod* i *Equus sit arraiatus pro guerra cum* i *homine armato de armis meis cooperto de russeto cum scochons de armis meis, et* i *alius Equus de eadem setta cum* i *homine desuper pro bannerio meo absque pluribus Equis. et dicti duo Equi oblentur die sepulturæ meæ sicut moris est et sint dimissi cum Ecclesia. Item volo quod omnes qui vestientur pro sepultura mea induantur russeto, et etiam le Chariot in quo contigerit corpus meum duci ad humacionem cooperiatur de russeto secta cistæ et barrariorum cum scochons armorum meorum ut supra. Datas apud Midelham die et anno supradictis.* Madox Form. p. 427.

This John Nevill Lord of Raby and his Father Ralph were both in the *Battle at Durham* 17*th.* October 1346. where *David Brus* King of Scotland was taken Prisoner and the Scotch Army entirely routed with the loss of 15000 Men. In memory whereof *Ralph Nevill* erected on the West-side of the City of Durham upon the field of Battle an elegant *Stone Cross* called *Nevills Cross*. It was defaced in 1589, there are still some remains to this day.

Ralph was created *Earl of Westmorland* 29*th* September 21. Richard 2*d.* 1398. and founded a College on the North side of Staindrop Church in 10. Hen. 4. 1409 *(of which hereafter.)* His *first* Wife was *Margaret* Daughter of *Hugh Earl of Stafford* who died 9*th.* June 1370. and was buried at *Brancepeth* by whom he had issue *two* Sons *John* and *Ralph* and several Daughters. He died 21. October 1425. and lieth buried in the Choir of Staindrop Church under a stately Tomb of Alablaster, whereon are the figures of himself and both his wives. *John* the *Eldest* Son died in the life time of his Father 1423.

having

having married *Elizabeth* Daughter of *Thomas Holland Earl of Kent*, by whom he left Issue *two Sons, Ralph (afterwards Earl of Westmorland)* and *John* who was kill'd at the Battle of *Towton* 1. Edw. 4. 1461, having married *Anne* the Widow of his Nephew *John Nevill*, by whom they had Issue *Ralph* the *Third Earl of Westmorland.*

This Ralph *first* Earl of Westmorland married a *second Wife, Joan* the Daughter of *John a Guant* Duke of Lancaster, who died 13. Nov. 1440, and by her had Issue *Eight* Sons and *Five* Daughters, *viz.*

1. Richard was *Earl Salisbury* in the right of his Wife *Alice* Daughter & Heir of *Thomas Montacute* Earl of Salisbury, they had Issue *Richard Nevill* the famous *Earl of Warwick, John Marquis Montacute, George Archbishop of York*, and *Six* Daughters.
2. William *Lord Fauconberg* (in right of his Wife *Joan* Daughter and Heir of *Thomas Lord Fauconberg*) and afterwards created *Earl of Kent.*
3. George *Lord Latimer*, which Barony his Father purchased and settled on this Son, and 10. Hen. 6. 1432 he was created *Lord Latimer.*
4. Edward *Lord Abergavenney* in right of his Wife *Eleanor* Daughter & Heir of *Richard Beauchampe Earl of Worcester and Lord Abergavenney.*
5. Robert who was Lord Bishop of Salisbury, and in 1438. was translated from thence to Durham, where he sat Bishop 19. Years, and built the Exchequer and other Publick Officers there near the Palace Gates, he died in 1457 and lies buried near to his Ancestors Tombs in the South Isle of Durham Cathedral, over whom is placed a large flat Stone of blue Marble, on which has been inlaid his Effigies in brass, with an Inscription around the margin, but now stolen away.
6. 7. 8. Cuthbert, Henry, and Thomas, all died without Issue according to *Dugdale*; but *Mills* in his Catalogue of the Nobility says, that *Thomas* was *Lord Seymor* in right of his Wife the Heir of the *Seymors.*

A Retainer

A Reteiner of John de Thorp *Esq. for Term of his Life with the first* Earl of Westmorland, *as well in time of Peace as of War.* 7. Hen. 4. 1406. Madox Form. p. 97.

CESTE Endenture faicte perentre *Rauf* Conte de *Westmerland*,, Sire de *Nevill* et Mareschall *Dengleterre* dune part, et *Johan de Thorp* Esquier dautre parte: Tesmoigne, que le dit *Johan* est demore et retenue ovec le dit Conte pur terme de sa vie, encontre toutes gentz, fauvant nostre tressoverein Seignur le Roy et ses heirs Rois *Dangleterre;* Pernant par an du dit Conte en temps de pees quarrant souldz par an pur son fee as termes de Seint Martyn en yver et Pentecost par ouelles porcions, par les maynes de nostre Resceivour de *Richmand* que pur le temps y serra, et prendra en temps de guerre, autielx gages come le dit Conte donera as autres de son degree; Rebatuz toutes foiz lafferant de son dit fee pur le temps de guerre: Et serra le dit *Johan* bien et covenablement montez, armez, et arraiez, et prest tout diz a Chivaucher ovec le dit Conte ou son depute, a toutes les foiz quil serra garney a ce faire. Et le dit conte avera les tierces de guerre, gaignez par le dit *Johan*, ou par ses gentez quelx il avera as gages ou coust du dit Conte: Et saucune Capitayn ou home destat soit pris par le dit *Johan*, ou par sez dictes gentz; le dit Conte lavera faisant al pernour resonable regarde pur lui. En tesmoignance de quelle chose, a ycestes les parties susditz entrechangeablement ont mys lour sealx. Done a *Raby* le xxiiij Jour *Daverill*, lan du Regne le Roy *Henry* quart puis le Conquest *septisme*.

A TRANSLATION of the above.

THIS INDENTURE *made between* Ralph Earl of Westmerland Lord *of* Nevill *and Mareschall of England, of the one part, and* Johan de Thorp *Esquier of the other part: Witnesseth, that the said* Johan *is stayed and retained with the said*

said Earl for term of his life, against all Men, saving our most Sovereign Lord the King and his heirs Kings of England: Receiving annually of the said Earl, in time of Peace Forty Shillings a Year for his fee, at the terms of Saint Martin in Winter, and Pentecost, by equal portions, by the hands of our Receiver of Richmond, that for the time being shall be there; And shall take in time of War, such Wages as the said Earl shall give to others of his degree; abateing however the tax of his said Fee for the time of War: And the said Johan *shall be well and suitably mounted, armed and arrayed, and always ready to ride with the said Earl or his Deputy, at all times he shall be warned so to do: And the said Earl shall have the thirds of War, won by the said* Johan, *or by his Men that he shall have at the wages or cost of the said Earl: And if any Captain or Man of Estate be taken by the said* Johan, *or by his said Men; the said Earl shall have him, making to the taker reasonable reward for him, In testimony of which thing, to these the parties abovesaid interchangeably have set their Seals. Given at* Raby *the* xxiiij *day of* Averill, *the* Seventh *Year of the Reign of* K. Hen *the 4th. since the Conquest.*

Extract from the Will of *Ralph Nevill* 1*st* Earl of Westmorland.

3. Hen. 6. 1424. Madox Form. p. 432.

IN DEI NOMINE AMEN. *Ego* RADULPHUS de NEVILL *Comes Westmerland, compos mentis et sanus corpore, condo ac facio Testimentum meum in hunc modem.* Imprimis *do et lego animam Deo Omnipotenti beatæ Mariæ Virgini et omnibus Sanctis; Corpusque meum ad sepeliendum infra Monasterium, Coventuale S. Cuthberti Dunelmi, vel in Ecclesia Collegiata de Standropp.* Item *do et lego nomine Mortuarii mei, duos Equos cum apparatu secundum ordinacionem Executorum meorum in die sepulturæ meæ, prout moris est.* Item *do et lego cuilibet Conventui Fratrum infra Episcopatus Ebor. et Dunelmi,* xls. *in elemosina; et cuilibet Anchoritæ in dictis Episcopatibus* xxs; *et cuilibet Conventui Monalium in dictus Episcopatibus* xxs; *et cuilibet Clerico Capellæ non promoto adtunc* xxs; *et cuilibet Querestario* vis viiid Item *do et lego ad ædificationem et complementum Collegii de* Standropp. *de bonis et Jocalibus meis ad valorem*

ccc *marcarum, si non perficiatur invita mea.* Item *do et lego prædicto Collegio de Standropp omnia Vestimenta et Altariola de Cappella mea ibidem imperpetuum, ad divina obsequia deservitura.* Item *do et lego cuilibet Cupellano de dicto Collegio adtunc existenti* xx *s; et cuilibet Generoso sæculari ejusdem Collegii* vi *s.* viii *d.* Item *do et lego ad Pontem faciendum apud* Wynston c *marcas.* In *cujus rei testimonium huic præsenti testimento seu ultimæ voluntati meæ Sigillum meum apposui. Datum in Castro meo de* Raby *Dunelmensis Diæcesis, anno Domini Millesimo* cccc xxiiii, *et mensis Octobris die* xviii, *anno eciam regni Regis Henrici Sexti post Conquestum Angliæ tercio.*

Ralph succeeded his Grandfather as *second Earl of Westmerland,* married to his *first* Wife *Elizabeth* Daughter of *Henry Lord Percy,* by whom he had a Son *John* who died without Issue 21. March 1451. This Earl died 3. Nov. 1485. and was succeeded in Title by his Nephew *Ralph.*

Ralph *third Earl of Westmerland,* married *Margaret* Daughter of *Sir Roger Booth* of *Barton in Lancashire* who was buried on the South-side of the Choir at *Brancepeth.* They had a Son *Ralph* who died in the Fathers lifetime having married *Editha* Daughter of *Sr. William Sands* of *Hampshire,* by whom he had *Ralph* the *fourth Earl of Westmerland. It has been said, that this third Earl died at Hornby-Castle in Yorkshire for grief of the loss of his eldest Son (who was buried at Brancepeth in a Chappel on the Southside of the Choir) and that he himself was buried in the Parish Church of Hornby, but the time of his death is uncertain.*

Ralph the *fourth Earl of Westmerland* died 1549, leaving Issue by *Cath.* Daughter of *Edward Stafford Duke of Buckingham,* 7. Sons and 9. Daughters and was succeeded in title by his eldest Son *Henry.*

Henry *fifth Earl of Westmerland,* married to his first Wife *Anne* Daughter of *Thomas Manners Earl of Rutland* by whom he had Issue an only Son *Charles.* He died 9*th.* Feb. 1564.

RABY

RABY CASTLE *County of* DURHAM.

THIS castle was built by John de Neville, soon after the year 1377; at which time a licence for its erection was granted by Thomas Hatfield Bishop of Durham; a duplicate of it is still preserved among the Rolls of this Bishop marked B Sched. 5. N. 1. (50. Ed. 3. Anno 1377) in the Cursitors Office of Records at Durham.

THE manor of Raby had long been in the possession of this family, who held it of the See of Durham by a rent of 4l. and a stag, to be offered every year on Saint Cuthbert's day in September, on which a great dispute arose about the 13. Edw. 1. Anno 1285, between Ralph Neville then Lord of Raby and Hugh de Darlington then Prior of Durham, as particularly related in Dugdale's Baronage V. 1. p. 292. 293.

AFTER the accession of Hen. the II. Anno 1154, no one could build a castle without first having obtained a Royal licence. The County of Durham being a Palatinate, a power of granting such licence belonged to the Bishop, who is there considered as Viceroy, it is here inserted at length, in the language in which it is originally written, together with a translation.

"THOMAS, par la grace de Dieu, evesque de Duresme, a touz y qui cestez nos presentes lettres verront, ou orrount salutz. Sachez que nous de nostre grace chere especial et pour le grant amour que nous avons enver nostre chere et foial John de Nevill, Chivaler, Sieur de Raby, qui de long temps adeste de nostre consaill, et nous servant, lui eions grante et tant que nous est et licence especiall donc quil puisse de son manoir de Raby, qe'st dedenz nostre roial seignurie dedans nostre Evechee de Duresme, faire un chastell fraunchement a sa volonte, et touz le tours, mesons, et mures, d'y celle, batailler et kirneller, sans estreent empescher molester———ou autres nos subjitz ——- ou demurant dedenz nostre did seignurie roial. A voir et tenir perpetuelement a lui et a ses heires issuit quil ne seoit pas prejudicial ne demagous a nous, ne a nostre eglise de Duresme, ne a nos successour en nule temps a venire. En temonaunce de quels choses, nous avons faitez faire cestez noz letters patentes. Don a Duresme par les meins Willielmi de Elmedon, nostre chauncellor, le disme jour de May, l'an. de nostre sacre trent et tierce.

Par lettre de private Seal.

RABY CASTLE *County of* DURHAM.

Translation

"Thomas by the grace of God, Bishop of Durham, to all those who shall see or hear these our present letters: Know ye, that we, of our dear and especial favor, and for the great love we bear to our dear and faithful John de Nevill Knight, lord of Raby, who has long been of our council and in our service, have granted, and as much as in us is, do licence him freely according to his will, to make a castle of his manor of Raby, which is within our royal lordship, and in our bishoprick of Durham; and all the towers, houses, and walls thereof, to embattle and crenellate without restraint, hindrance or molestation——or other our subjects——or living within our royal lordship, To have and to hold to him and his heirs for ever, provided it shall not be prejudicial or injurious to us, our church at Durham, nor to our successors in time to come. In witness whereof, we have caused these our letters patent to be made. Given at Durham by the hands of William de Elmedon our Chancellor, on the 10th. day of May, and in the 33d. of our Consecration.

By writ of Privy Seal.

In 1570 this castle belonged to the Earl of Westmoreland with other large Possessions, which were forfeited by him to the Crown for Rebellion and Treason.

In 1632 Sir Henry Vane the elder purchased of the Crown, the Castle with the Lordship of Raby and other Lands for 9904*l.*——He entertained Charles the first at the castle in May 1633 in his way to Scotland to be crowned: And did the like in April 1639 on the King's expedition to Scotland, when Sir Henry commanded a Regiment of 1000 Men.

He died at the castle in 1654 Aged 69.

The ancient family of the Vanes, ennobled July 8. anno 1699, when Sir Christopher Vane was created a Baron of this realm by the title of Lord Bernard of Bernardcastle. He was succeeded in his Estates and honours by his eldest son Gilbert, whose Son Henry was created Viscount Bernard and Earl of Darlington April 3. 1754. His Son Henry, second Earl of Darlington is (1785) the present proprietor of this noble edifice.

WITTON CASTLE *County of* DURHAM.

WITTON Castle stands on the South side of the River Wear at its conflux with the Lynburn. It was built about the 11, Hen. IV. anno 1410, as appears from the following licence for its construction, preserved in the Archives of the See of Durham, among the Rolls of Bishop Langley, marked A. No 32. That deed recites, that this building was begun before; but as no licence had been previously obtained, it is probable the Bishop put a stop to its progress, as being done in contempt of his Authority without his licence first had.

"THOMAS Dei gratia Dunelmenfis episcopus salutem. Sciatis quod cum Radulphus de Eure Miles nuper manerium suum de Witton cum muro de petra et calce includere, et manerium illud batellare, kirnellare, et turellare, ac fortallicium inde facere incipit, licencia nostra aut prædecessorum nostrorum super hoc non obtenta; nos de gratia nostra speciali pardonavimus transgressionem factam in hac parte: et ulterius concessimus et licentiam dedimus pro nobis et successoribis nostris prefato Radulpho, quod ipse manerium predictum cum muro de petra et calce includere, et manerium illad castellare, kirnellare, et turillare, ac fortallicium inde facere possit, et tenere sibi et hæredibus suis imperpetuum absque impedimento nostri vel successorum nostrorum justiciarium, escaetorum, vice-comitum, aut aliorum ballivorum seu ministrorum nostrorum, vel successorum nostrorum quorumcumque, imperpertuum. In cujus rei testimonium, &c. Dat, &c. vicessimo tertio die Septembris anno Pontificatus nostri quinto."

Per breve de privato sigillo.

Translation.

"THOMAS, by the grace of God Bishop of Durham sendeth geeeting, Know ye, that whereas Ralph de Eure, knight, did begin to enclose his manor of Witton with a wall of lime and stone, and to embattle, crenellate, tourillate, and erect a fortress on the said manor, not having first obtained either our licence or that of our predecessors; we, out of our special grace, have pardoned that transgression; and moreover, have granted and given licence, for us and our successors, to the said Ralph, to inclose his manor aforesaid with a wall of lime and stone, and to castellate, crenellate, tourillate, and build a fortress thereon; to have and to hold the same to himself and his heirs for ever, without impediment from us, or our successors, our justices, escheators, sheriffs, or other bailiffs or officers whatsoever, or those of our successors for ever. In witness whereof, &c. Given the 23d. day of September, in the fifth year of our Pontificate,

By writ of Privy Seal.

WITTON CASTLE *County of* DURHAM.

This was the baronial Castle of the Lords de Eures, a family of ancient note and eminence in the County, descended from the Lords of Clavering and Warkworth; and by the female line, from the Vescies and Attons.

In the reign of Henry the VIII. Sir Ralph Eures was lord warden of the Marches, and did so many valiant exploits against the Scots at Tiviotdale, that the King gave him a grant of all the lands he could win from them; wherefore he invaded Scotland; but engaging with the Earl of Arran at Hallidown Field, was there slain, together with Lord Ogle, and many other persons of note. William Eure, Brother of the second Ralph Lord Eure, was a colonel in the army of King Charles I. and was killed at the battle of Marston Moor, in Yorkshire, A. D. 1645. The last Lord Eure, who was living A. D. 1674, leaving no issue male, the family became extinct

At the time of the civil wars, this castle was in the hands of Sir William Darcy. He being a royalist, it was besieged and taken by Sir Arthur Haslerig, governor of Auckland castle, who sequestered the goods but did not destroy the building; which was afterwards in part demolished by James Lord Darcy of Havan, in the Kingdom of Ireland, about the year 1689; who took away the lead, timber, and chimney-pieces, to Sadberye, near Richmond in the county of York, with design to build another house there; but the greatest part of these materials were afterwards sold by auction for much less than the Sum paid for their pulling down and removal from Witton thither.

This Castle is now (1783) the property of John Cuthbert Esq.

LICENCE *to the* Prior & Chapter *of* Durham *to elect a Bishop on the Death of* Robert Neville. 1. *August* 1457.

(Rymer's *Fœdera* Vol. 11. p. 402. Pat. 35. Hen. 6. p. 2. m. 7.)

REX, Dilectis sibi in Christo, *Priori et Capitulo Ecclesiæ Cathedralis Dunelmensis*, Salutem.

Ex parte vestra nobis est humiliter supplicatum, ut cum Ecclesia vestra prædicta per mortem bonæ memoriæ Magistri *Roberti Neville*, nuper Episcopi loci illius, Pastorus sit solatio destituta, alium vobis eligendi in Episcopum et Pastorem ejusdem loci licentiam vobis concedere dignaremur;

Nos Precibus vestris in hac parte favorabiliter inclinati, Licentiam illam vobis tenore præsentiun duximus concedendam; Mandantes quòd talem Vobis eligatis in Episcopum et Pastorem ejusdem loci, qui Deo devotus, Ecclesiæ prædictæ necessarius, Nobisque et Regno nostro utilis et fidelis existat. In cujus rei &c. Teste Rege apud *Westmonasterium*, *primo* die *Augusti* 1457.

Per Breve de Privato Sigillo

THE Pope's Letter to K. Hen.6. *approving of* Laurence Booth *to be Bishop of* Durham, *at the Instance of Queen* Margaret *Consort to* K. Hen. 10 *September* 1457.

(Rymer's *Fœdera* Vol. 11. p. 404. 35, Hen. 6. *Ex Autograph.*)

CALISTUS Episcopus, Servus Servorum Dei, carissimo in Christo Filio

Filio *Henrico Regi Angliæ* illustri, Salutem et Apostolicam Benedictionem.

Jam pridem, cum Ecclesiam *Dunelmensem*, per Obitum bonæ memoriæ *Roberti olim illius Episcopi*, Pastore carere intelligeremus, audientibus eam in Confinibus tui Regni et Regno Scotiæ Convicinam esse, cogitavimus tuo Statui (cui nos semper præcipuâ quadam et paternâ caritate affecti fuimus) plurimum expedire Pastorem eidem Ecclesiæ præfici Honestate et Prudentiâ præditum, Viribus præstantem. gratum omnibus, ut suâ auctoritate et præsidio tuæ Celsitudinis dictam Ecclesiam feliciter gubernare posset.

Nobis autem hoc agitantibus, meminimus tuam Serenitatem, superioribus diebus per suas Literas efficaces, commendasse dilectum Filium *Laurentium Booth* Licentiatum in Legibus, Decanum *Londoniensem*, ut cum casus Vacationis alicujus Cathedralis Ecclesiæ in tuo Regno accideret, quæ sibi grata foret, ipsum illi præficeremas in Pastorem;

In cujus etiam singularem et præcipuam Commendationem novissimè accipimus literas, carissimæ in Christo filiæ nostræ *Margaretæ Reginæ Angliæ* illustris Consortis tuæ et aliorum plurimorum Dominorum ac Nobilium tui Regni, quibus facile judicare potuimus quam utilis, accommoda, et laudabilis foret Provisio de Persona ipsius *Laurentii* ad eandem *Dunelmensem* Ecclesiam.

Et licet postmodum tuæ Literæ supervenerint; dilectum Filium *Johannem Arundell*; Physicum tuum Commendantes, ut ipsum eidem *Dunelmensi* Ecclesiæ præficeremui in Pastorum, Nos, rei gravitatem pensantes et maturè providere intendentes, habita inter Nos et Venerabiles Fratres nostros Sanctæ Romanæ Ecclesiæ Cardinales diligenti Discussione et Examinatione Personarum

narum, cum nobis peranteà merita et Virtutes ipsius *Laurentii* notissima forent ob suas Conditiones, et Doctrinæ, Sanguinis, et Prosapiæ. ac etiam qui Oriundus prope Diœcesim dictæ *Dunelmensis* Ecclesiæ mores Patriæ et Hominum intelligens, illi utilis et fructuosus plurimum esse poterit, tandem, de eorundem Fratrum Consilio, de Persona ipsius *Laurentii* eidem *Dunelmensi* Ecclesiæ motu proprio duximus pro videndum, præficiendo ipsum illi in Episcopum et Pastorum, Curam, Regimen, et Administrationem ipsius Ecclesiæ sibi in Spiritualibus et Temporalibus plenariè committendo.

Ad quod faciendum potissimè inducti fuimus, existimantes id gratum meritò et acceptum tuæ Sublimitati fore, talem Virum, tui Status et Honoris præcipuum Zelatorum promovere.

In qua quidem Promotione quoniam constantes persistere, nec ab ea ullo modo variare intendamus, Sublimitatem tuum Paternâ Caritate precaremur et hortamur in Domino ut nostræ Voluntati tuam conformes, et a tuis prioribus Literis non discedas, memoratoque *Laurentio* tuis Regiis Favoribus assistere velis, ut ipse sublatis quibuscunque Obstaculis, ad Possessionem Jurium et Bonorum suæ Ecclesiæ liberè admittatur.

Præfato verò *Johanni* Phisico tuo, contemplatione tuæ Celsitudinis et ob eximiam Virtutem suam, cum casus Vacationis se obtulerit, quantum cum Deo poterimus, providere curabimus.

In hoc siquidem Desiderio, prout in tua Regia et Filiali Devotione confidimus, expectamus ut ipso effectu Nobis satisfacias, et ipsum *Laurentium* in omnibus Commendatum suspicias, in quo rem te dignam et Nobis gratum plurimum efficies, quæ eo erit Gratior quia in Honorem tuæ Sublimitatis redundabit.

redundabit. Dat. *Romæ* apud *Sanctum Petrum* anno Incarnationis Dominicæ *Millessimo Quadringentesimo Quinquagesimo septimo, Decimo* Kal. *Septembris*, Pontificatus nostri Anno *Tertio*. A. DE VENERIIS.

Sub Filis Canabinis

RESTITUTION *of the Temporalities of the Bishoprick of* Durham *to* Laurence Booth *Bishop*, 18. *October* 1457.

(RYMER'S *Fœdera* Vol. 11. p. 406. Pat. 36. Hen. 6. p. 1. m. 7.)

REX, Escaetori suo in Comitatu *Middlesexiæ*, Salutem.

Cum Dominus *Summus Pontifex* nuper vacante Ecclesia *Dunelmensi*, per Mortem Venerabilis Patris *Roberti* nuper *Episcopi* Loci illius, eidem Ecclesiæ de Persona, prædilecti Clerici nostri Magistri *Laurentii Booth* providerit, ipsumque in Episcopum Loci illius prefecerit et Pastorem, sicut per Literas Bullatas ipsius Domini Summi Pontificis, Nobis inde directas; Nobis constat.

Nos, Pro eo quod idem Episcopus omnibus et singulis Verbis, Nobis et Coronæ nostræ præjuicialibus, in dictis Literis Bullatis contentis, coram Nobis palam et expressè renunciavit. et Gratiæ nostræ humiliter se submisit, volentes cum eo in hac parte agere gratiosè.

Cepimus Fidelitatem ipsius Episcopi, et *Temporalia* Episcopatus illius, prout moris est *Restituimus* eidem.

Et ideo tibi Præcipimus quod eidem Episcopo *Temporalia* prædicta cum Pertinentiis in Balliva tua, sine delatione liberes in formâ prædictâ; salvo Jure cujuslibet.

Teste

Teste Rege apud *Westmonasterium* decimo octavo die Octobris.

Per Breve de Privato Sigillo et de data prædicta, Auctoritate Parliamenti.

Consimilia Brevia diriguntur Escaetoribus subscriptis, sub eadem data, videlicet,

Escaetori Regis in Com. Eborum.
Escaetori Regis in Com. Lincoln.
Escaetori Regis in Com. Northumbr.

Et mandatum est Militibus, &c.

* * * \

Relaxavimus eidem *Laurentio* Episcopo, Sectam Pacis nostræ,quæ ad Nos versus ipsum pertinet, pro omnimodis Proditionibus, Murdris, Raptibus Mulierum, Rebellionibus, Insurrectionibus, Feloniis, Conspirationibus, Cambipartiis, Manutenentiis, et Imbnaciariis, ac aliis Transgressionibus, Offensis, Negligentiis, Extorsionibus, Misprisionibus, Ignorantiis, Contemptibus, Concelamentis, Forisfacturis, et Deceptionibus, per ipsum *Laurentium* ante datam præsentium qualitercumq; factis sive perpetratis, ac etiam Utlagariis si quæ in ipsum *Laurentium* hiis occasionibus seu earum aliqua fuerint promulgatæ, et firmum Pacem nostram ei inde concedimus, ita tamen quod stet recto in Curiâ nostrâ. si quis versus eum loqui voluerit de Præmissis vel de aliquo Præmissorum

Et ulterius, Pardonavimus, Remisimus, et Relaxavimus eidem *Laurentio* Episcopo, omnimoda Escapia Felonum, Attinctorum et Convictorum, nec non Catalla Felonum et Fugitivorum, Catalla Utlagatorum et Felonum de se, Deodanda. Vasta, Impetitiones, ac omnimodos Articulos Itineris, Destructiones et Transgressiones de Viridi vel Venatione, Venditiones Boscorum infra Forestas et extra; et aliarum rerum quarumcumque, ante datam Præsentium, infra Regnum nostrum Angliæ et Marchias Walliæ emerfarum et eventarum, unde Punitio caderet in demandam debitam, seu in Finem et Redemptionem, aut in alias Pœnas pecuniarias, seu in Forisfacturam Bonorum et Catallorum, aut Imprisonamenta seu Amerciamenta Comunitatum, Villarum, vel singularium Personarum, vel in Onerationem liberè Tenentium eorum qui nunquam transgressi fuerunt aut Hæredum, Executorum, vel Terræ Tenentium, Escaetorum, Vicecomitum, Coronatorum, et aliorum hujusmodi, et omne id quod ad Nos versus ipsum *Laurentium* Episcopum pertinet seu pertinere posset ex causis supradictis.

Ac

Ac etiam Pardonavimus, Remisimus, et Relaxavimus, eidem *Laurentio* omnimodas Donationes, Alienationes, et Perquisitiones per ipsum de Terris et Tenementis de Nobis vel Progenitoribus nostris quondam Regibus Angliæ in Capite tentis; ac etiam omnimodas Donationes et Perquisitiones ad Manum Mortuam factas et habitas absque Licentia Regia; necnon omnimodos Intrusiones et Ingressus in Temporalia Episcopatus, et Hæreditatem suam in parte vel in toto post mortem Prædecessorum suorum et Antecessorum suorum, absque debita Prosecutione, Liberatione, seu Restrictione eorundem, extra manum Regiam, ante datam præsentium factos, una cum Exitibus et Proficuis inde medio tempore perceptis.

Et insuper Pardonavimus, Remisimus, et Relaxavimus eidem *Laurentio* Episcopo omnimodas Pœnas ante datam præsentium, coram Nobis seu Concilio nostro, Cancellario, Thesaurario, seu aliquo Judicum nostrorum, pro aliqua causa, et omnes alias Pœnas, tam nobis quam carissimo Patri nostro defuncto, per ipsum *Laurentium* Episcopum, pro aliquâ causâ ante datam præsentium forisfactas, et ad orus nostrum levandas; ac omnimodas Securitates Pacis ante datam præsentium similiter forisfactas; ac etiam Tertias et Tertiarum Tertias omnimodorum Prisonariorum in Guerrâ captorum, nobis die Confectionis præsentium, qualitercumque debitas, pertinentes sive spectantes per eundem *Laurentium* Episcopum; necnon omnimodas Demandas, Transgressiones, Offensas, Mesprisiones, Contemptus et Impetitiones per ipsum *Laurentium* Episcopum ante datam præsentium; contra formam tam quorumcumque Statutorum, Ordinationum et Provisionum ante datam præsentium factorum sive editorum de Perquisitionibus, Acceptationibus Lectionibus, Publicationibus, Notificationibus, et Executionibus quibuscumque

que quarumcumq; Literarum et Bullarum Apostolicarum ante datam præsentium ei omnium aliorum Statutorum, Ordinationum et Provisionum prætextu quorum aliqua secta versus eundem *Laurentium* Episcopum per Billam vel per Breve de *Præmunire facias*, seu alio modo quocumque pro aliqua materia ante datam presentium fieri valeat, quam quorumcunque aliorum Statutorum factos sive perpetratos; Statutis, Ordinationibus et Provisionibus illis non obstantibus.

Ac etiam Pardonavimus, Remisimus, et Relaxavimus eidem *Laurentio* Episcopo omnimodos Fines adjudicatos, Amerciamenta, Exitus, forisfactos Relevia, Scrutagia, ac omnimoda Debita, Compota Præstita, Arreragia Firmarum et Compotoram, nobis ante datam præsentium qualitercumque debita et pertinentia, necnon omnimodas Actiones et Demandas, quas Nos solus vel Nos conjunctim cum aliis Personis vel alia Persona habemus seu habere poterimus versus ipsum *Laurentium* Episcopum, pro aliquibus hujusmodi Finibus, Amerciamentis, Exitibus, Reveliis, Scrutagiis Debitis, Compotis, Præstitis et Arreragiis, ante datam præsentium nobis debitis, ac etiam Utlagariis in ipsum *Laurentium* Episcopum promulgatis pro aliqua causarum supradictarum

Omnimodis Debitis et Compotis, nobis debitis et pertinentibus, quæ vigore Literarum nostrarum Patentium, seu Brevium nostrorum de Magno vel Privato Sigillo, aut per Estallamenta sive Assignationes respectuata existunt, omnino exceptis, et quod præsens PARDONATIO NOSTRA quòad Præmissa vel aliquod Præmissorum, non cedat in Dampnum, Præjudicium, vel vel Derogationem alicujus alterius Personæ, quam Personæ nostræ dumtaxat; nec quod præsens PARDONATIO NOSTRA, nec aliqua hujusmodi PARDONATIO NOSTRA

NOSTRA ad aliquos Magnos Computantes nostros, qui nunc sunt vel qui nuper fuerunt; videlicet,

Ad Thesaurium Calesii et Hospitii nostri, Vitellarios Calesii, Camerarios Cestriæ, North Walliæ et Suth-Walliæ Custodes Garderobæ Hospitii nostri, aut Custodes Magnæ Garderobæ, aut Custodes sive Clericos Garderobæ nostræ, Clericos Operationum nostrarum, Constabularios Burdegalliæ, Thesaurium Terræ nostræ Hiberniæ, et Receptores Ducatus nostri Lancastriæ et Ducatus nostri Cornubiæ, tam generales, quam particulares, quoad aliqua hujusmodi officia sua, hujusmodi Occupationes suas, seu alicujus eorumdem tangentia, ullo modo se extendat. In cujus &c. Teste Rege apud *Northampton* septimo die Julii.

Per Breve de Privato Sigillo et de Data prædicta &c.

THE *King's Licence to* Laurence Booth *Bishop of Durham to be absent from Parliament three Years*, 15th April 1464.

(RYMER's *Fœdera* Vol. 11. p. 519. Pat. 4. Ed. 4. m. 2. p. 13.)

REX, Omnibus ad quos &c. Salutem. Sciatis quod Nos certis de causis et considerationibus Nos specialiter moventibus, de gratia nostra speciali, concessimus et licentiam dedimus et per præsentes concedimus et licentiam damus Reverendo in Christo Patri *Laurentio Episcopo Dunolmensi*, quod ipse durante termino *trium Annorum* proximo sequentium, intendere possit et vacare circa negotia sua, et quæ sunt ei necessaria et utilia

utilia, ac residere et inhabitare ubi sibi melius placuerit infra Regnum nostrum Angliæ; et quod non teneatur venire ad aliquod Parliamentum sive Concilium nostrum, sed inde exoneratus et excusatus sit durante termino prædicto aliquo Mandato nostro ei in contrarium dirigendo seu fiendo imposterum non obstante. In cujus &c. Teste Rege apud *Westmonasterium decimo quinto* die *Aprilis*. 1464

Per Breve de Privato Sigillo et de Data prædicta Auctoritate Parliamenti.

King Edward 4*th. having seized into his hands the Temporalities of the Bishoprick of Durham in the time of* Laurence Booth *Bishop, by his Writ of* Supersedeas *restores the Temporalities again in Possession to the Bishop.* 17*th* April 1464.

(Rymer's *Fœdera* Vol. 11. p. 519. Pat. 4. Ed. 4. m. 2. p. 13)

REX, Dilectis Nobis *Johanni Fogge* Militi Thesaurario Hospitii nostri, *Johanni Scotte* Militi Contrarotulatori ejusdem Hospitii, ac *Thomæ Colte* et eorum cuilibet, Salutem.

Sciatis quod, Cum Nos (de Fidelitate et Circumspectione vestris plurimum confidentes) ante hæc tempora, per Literas nostras Patentes (quarum data est apud Westmonasterium Vicessimo octavo die Decembris anno regni nostri secundo) vobis Custodiam Temporalium Episcopatus Dunelmensis, in manus nostras certis de causis seisitorum, Concesserimus,

Habendam

Habendam et Tenendam Custodiam illam quamdiu Temporalia illa in manibus nostris remanere contingerint, Reddendo inde Nobis debitum, Compotum, ad Scaccarium Episcopatus prædicti, et non alibi, coram Auditoribus nostris ibidem pro tempore existentibus.

Et ulterius, ex abundanti gratiâ nostrâ Concesserimus vobis præfatis *Johanni Johanni* et *Thomæ* auctoritatem et plenam potestatem assignandi et faciendi nomine nostro, de tempore in tempus, sub Sigillo nostro in hac parte ordinato, Justiciarium, Cancellarium, Vicecomitem, Escaetorem, et omnes alios Officiarios infra eadem Temporalia, prout temporibus transactis extiterit consuetum.

Et quod dicti Justiciarius, Cancellarius Vicecomes, Escaetor, et alii Officiciarii, taliter assignandi seu faciendi, haberent tam magnam et largam Potestatem prout ipsi aut alii in casu consimili ante hæc tempora habuerunt, prout in eisdem Literis nostris plenius continetur.

Nos tamen certis de causis et considerationibus nos specialiter moventibus, Aggreavimus,Consensimus,et PermittereVolumus,quod Reverendus in Christo Pater *Laurentius Bothe Episcopus Dunelmensis* in Temporalia prædicta, ac omnia Terras Tenementa, et aliis Possessiones, Episcopatui prædicto pertinencia, cum omnibus ei omnimodis Officiis, Debitis, et Juribus eis quoquomodo pertinentibus sive spectantibus, intrare possit, et ea sibi pacificè habere, occupare, et gaudere, sine aliquâ Contradictione vel Impedimento nostri seu alicujus nomine nostro.

Et ideo Vobis et cuilibet vestrum præcipimus firmiter injungentes, quod de Custodia Temporalium prædictorum, ac de ulterius assignando seu faciendo pro nobis seu nomine nostro, Justiciarium, Cancellarium, Vicecomitem,

Escaetorem

Escaetorem, seu alios Officiarios infra eadem Temporalia, virtute Literarum nostrarum prædictarum *Superfedeatis omnino et Omittatis*,

Et quod prædictum Episcopum et Officiarios suos quoscumque in exercendo et occupando Temporalia sua prædicta, vel aliquid ad eadem pertinentia non perturbetis, impediatis, nec in aliquo molestetis, set de Custodia illa ulterius non intromittatis, prædictis Literis nostris Patentibus, seu aliquo alio Mandato nostro vobis factis, in aliquo non obstantibus.

In cujus &c. Teste Rege apud *Westmonasterium decimo septimo* die *Aprilis* 1464.

Per Breve de Privato Sigillo et de data prædicta Auctoritate Parliamenti

☞ In 1196 the first coinage of Money begun at Durham, when *Richard* the 1*st*. granted Licence to *Phillip Poictiers* Bishop of Durham to set np a Mint and Coin Money there.

Pro (Lau. Booth) *Episcopo Dunolmensi de Obolis fabricandis.*

(Rymer's *Fœdera* Vol. 11. p. 783. Pat. 13 Ed. 4. p. 1. m. 12.)

REX, Omnibus ad quos &c. Salutem. Sciatis quod cum Venerabilis Pater *Laurentius* nunc *Episcopus Dunolmensis* ac Possessores sui Episcopi loci illius a tempore quo non extat memoria, *Mone am Sterlingorum* inter alia, juxta Libertatem suam Regalem Dunolmi fabricari.

Pro (Laur: Booth) Episcopo Dunolmensi de Obolis Fabricandis

Rymer's *Fœdera Vol. XI. p.* 783. *Pat.* 13. *Ed.* 4. *p.* 1. *m.* 12. *A. D.* 1473.

REX Omnibus, ad quos &c. Salutem. Sciatis quod, Cum Venerabilis Pater *Laurentius* nunc *Episcopus Dunolmensis*, ac Possessores sui Episcopi Loci illius, a tempore quo non extat memoria, *Monetam Sterlingorum*, inter alia, juxta Libertatem suam Regalem, Dunolmi fabricari fecerint & consueverint: Hinc est quod idem Episcopus *Monetam Obolorum*, infra Libertatem prædictam, nostra Displicentia minime mediante, fabricari facere intendit ut accepimus: Et licet *idem Episcopus* hujusmodi Monetam Obolorum, infra eandem Libertatem fabricari usus non fuerit; Nos tamem, quod ipse nunc Episcopus eandem Monetam tam Sterlingorum quam Obolorum ibidem, totiens quotiens sibi placuerit, absque Displicentia nostra, quamdiu nobis placuerit, fabricari facere valeat licite & impune, bene contenti sumus.

Et ulterius Volumus, et per præsentes Concedimus *præfato Episcopo* quod bene licebit ei Standarda et Trussellos, pro hujusmodi Moneta Sterlingorum et Obolorum in Libertate prædicta fabricanda, ad libitum suum, cum Opus fuerit, de tempore in tempus, quamdiu nobis placuerit, fieri facere absque aliqua Prosecutione, inde penes Nos aut Thesaurarium et Barones de Scaccario nostro aut alios Officiarios seu Ministros nostros quascumque aliquo modo facienda; Et quod nec *præfatus Episcopus*, nec Successores sui, occasione præmissorum, seu alicujus eorum, per acceptationem Præsentium, de Libertate prædicta aliquo modo in futurum estoppentur seu præjudicentur; sed omnibus Libertatibus et Regaliis suis perantea usitatis gaudeant et utantur, præsentibus non obstantibus.

In cujus *&c.* Teste Rege, apud *Conventre, vicesimo primo* Die *Julii* 1473.

Per ipsum Regem, et de Data prædicta, Auctoritate Parliamenti.

☞ In 1196 The *first Coinage begun at Durham*, when Richard 1. granted Licence to *Phillip Poictiers* Bishop of Durham, to set up a *Mint and Coin Money there*.

Pro (Johan Sherwood) Episcopo Dunelmensi, Sterlingiis fabricandis
Rymer's *Fœdera Vol: XII. p. 252. Ex Bundell. infra Turrim Lond. n. 58.*
Temp. Ric. 3. A. D. 1484.

TO THE KING OUR LIAGE LORD.

Memorandum quod, duodecimo Die Decembris Anno Regni Regis Ricardi Tertii Secundo, ista Billa liberata fuit Domino Cancellario Angliæ apud Westmonasterium exequenda.

PLEASE *it your Highnes, of youre moost Noble Grace, to commaunde your Chaunceller of England to direct your Wrytte, under your Grete Seall, unto the Tresorer and Barons of your Eschequer, after the Fourme hereafter ensuyng.*

R. R.

REX Thesaurario & Baronibus suis de Scaccario, Salutem.

Mandamus Vobis quod, Receptis de Venerabili Patre *Johanne Episcopo Dunolmensi* Tribus Standardis & Novem Trussellis ruptis, pro Moneta Sterlingorum in Libertate sua Regali Dunolmensi fabricanda nuper factis, Tria Standarda & Novem Trussellos de novo fieri & *præfato Episcopo* liberari faciatis.

Teste Rege apud *Westmonasterium* &c.

1494-9. *Hen.* 7 Richard Fox *Bishop of Durham, leased out the Coinage there to* Will. Richardson.
1523 - 14 & 15 *Hen.* 8. (Cardinal Wolsey *Bishop*) *An Act passed Intitled* An Act what Coiners shall do that make Money at any Place within England. Provided, *That this Act be not any ways prejudicial to the Coiners and Mint Masters at* York & Durham, *for any Money to be coined there, other than hath been heretofore accustomed.* ☞ The Coinage has been dissus'd from 1540, the time of *Cuthbert Tunstall Bishop.*

INSPEXIMUS of the Surrender made by Hugh Whitehead Prior of the Cathedral Church or Monastery of St. Cuthbert at Durham, to King Henry the Eighth, 31. *December* 1540.

ELIZABETH Dei Gratia Angliæ Franciæ et Hiberniæ Regina Fidei Defensor &c. Omnibus ad quos præsentes Literæ pervenerint salutem. Inspeximus quoddam Scriptum in Rotulis Cancellar. Domini *Henrici* nuper Regis Angliæ octavi, Patris nostri præcharissimi irrotulati, ac in Rotulis Cancellar, nostræ residen. in hæc verba.

Omnibus Christi fidelibus ad quos præsens scriptum pervenerit, Nos *Hugo Whitehedd* Prior Ecclesiæ Cathedralis sive Monasterii Sancti Cuthberti de Durham in Com. Dunelm. et ejusdem loci Conventus salutem in Domino sempiternam; Noveritis, Nos præfatos Priorem et Conventum unanimi assensu et consensu nostris, animisque deliberatione, certa scientia, et mero motu nostris, ex quibusdam Causis justis et rationalibus Nos Animas et Consciencias nostras specialiter moventibus, ultro et sponte dedisse et concessisse, ac per præsentes damus, concedimus, reddimus, deliberamus, et confirmamus illustrissimo et invictissimo Principi et Domino nostro *Henrico* octavo, Dei Gratia Angliæ et Franciæ Regi, Fidei Defensori, Domino Hiberniæ, ac in terris supremo Capiti Ecclesiæ Anglicanæ, totum dictum Monasterium nostrum, ac etiam totum Scitum, Fundum, Circuitum, et Præcinctum, ac Ecclesiam ejusdem Monasterii, cum Oneribus, Debitis, Catallis, et Bonis nostris mobilibus, Nobis seu dicto Mónasterio nostro spectant. sive pertinent. tam ea quæ in præsenti possidemus, quam

quam ea, quæ obligatione vel alia quacunque de causa Nobis vel dicto Monasterio nostro quoquo modo debentur: Necnon omnia et singula Maneria, Dominia, Messuagia, Gardina, Curtilagia, Tofta, Terras, et Tenementa nostra, Prata, Pascuas, Pasturas, Boscos, et Subboscos, Redditus, Reversiones et Servitia, Molendina, Passagia, Feod. Militum, Ward. Maritagia, Nativos Villanos cum corum Sequelis, Communias, Libertates, Franchesias, Privilegia, Jurisdictiones, Officia Cur. Let. Hundred. Vis. Franc. Pleg. Ferias, Mercata, Parcos, Warrenia, Vivar. Aquas, Piscarias, Vias, Chimina, Wharf. vacua Funda, Advocationes, Nominationes, Præsentationes; et Donationes Ecclesiarum, Vicariarum, Capellarum, Cantariarum, Hospitalium et aliorum Ecclesiasticorum Beneficiorum quorumcunque, Rectorias, Vicarias. Cantarias, Pensiones, Portiones Annuitates, Decimas, Oblationes, et alia omnia et singula Emolumenta, Proficua, Possessiones, Hæreditamenta, et Jura nostra quæcunque tam infra dictum Comitat. Dunelm. ac in Com. Ebor. Lincoln, Northampt. Staff. Lancastr. et Northumbr. quam alibi infra Regnum Angliæ, Walliæ, et March. earundem, eidem Monasterio nostro prædicto quoque modo spectant. pertinent. appendent. sive incumbent; ac omnia et omnimoda Cartas, Evidencias, Obligationes, Scripta et Munimenta nostra quæcunque, Nobis seu dicto Monasterio nostro, Terris, vel Tenementis nostris, aut ceteris Præmissis cum suis Pertinentiis, seu alicui inde Parcellæ quoquo modo spectant. sive pertinen. Habendum, tenendum, et gaudendum dictum Monasterium nostrum ac prædictum Scitum, Fundum, Circuitum, et Præcinctum; ac Ecclesiam nostram prædictam cum omnibus Debitis, Bonis, et Catallis nostris, necnon omnia et singula Maneria,

Dominia

Dominia, Messuagia, Terras, et Tenementa, Rectorias, Pensiones, ac cetera Præmissa quæcunque, cum omnibus et singulis suis Pertinentiis præfato invictissimo Principi et Regi nostro prædicto, Hæredibus, Successoribus, et Assignatis suis, ad Usum ejusdem Domini Regis, Hæredum, et Successorum suorum imperpetuum in hac parte, ac ad omnem Juris et Effectum, qui exinde sequi poterit aut potest; Nos et dictum Monasterium nostrum cum omnibus et singulis Præmissis, ac Jura Nobis qualitercunque acquisita, ut decet, subjicimus et submittimus, dantes et concedentes, ac per præsentes damus, concedimus, reddimus, deliberamus, et confirmamus, eidem Regiæ Majestati, Hæredibus, Successoribus et Assignatis suis, omnem et omnimodam plenam et liberam Facultatem, Authoritatem, et Potestatem, Nos dictumque Monasterium nostrum, una cum omnibus et singulis Maneriis, Terris, et Tenementis, Redditibus, Reversionibus, et Serviciis, ac singulis Præmissis, cum omnibus suis Juribus, et Pertinenciis quibuscunque disponend. et pro suo libero Regio Voluntatis Libito, ad quoscunque Usus Majestati suæ placentes alienand. donand. commutand. vel transferend. ac hujusmodi Dispositiones. Alienationes, Donationes, Commutationes et Translationes per prædictam Regiam Majestatem suam quovis modo fiendam extunc ratificamus, promittentes Nos insuper rata, grata, ac firma perpetuo habitur. omnia et singula Præmissa per præsentes, et ut omnia et singula Præmissa suum debitum sortiri valeant Effectum, Electionibus, insuper Nobis et Successoribus nostris, necnon omnibus Querelis, Provocationibus, Appellationibus, Actionibus, Litibus, et Instantiis aliis quibuscunque Juris, Remediis, et Beneficiis, Nobis forsan et successoribus nostris in ea parte prætextu Dispositionis, Alienationis, Donationis, Commissionis

missionis, et Translationis prædict. et ceterorum Præmissorum qualitercunque competend. et competitur omnibusque Doli, Erroris, Metus, Ignorantiæ, vel alterius Materiæ sive Dispositionis, Exceptionibus, Objectionibus, et Allegationibus prorsus semotis ac depositis palam publice et expresse ex certa scientia nostra, animisque spontaneis renunciamus et cessamus, prout per præsentes renuntiamus et cessamus, et ab eisdem recedimus in hiis Scriptis. Et Nos præfati Prior et Conventus Successoresque nostri, dictum Monasterium nostrum, ac etiam totum Scitum, Fundum, Circuitum, Præcinctum, Mansionem, et Ecclesiam nostram prædictam, ac omnia et singula Maneria, Dominia, Messuagia, Gardina, Curtilagia, Tofta Terras, et Tenementa nostra, Prata, Pascuas, Pasturas, Boscos, et Subboscos, Redditus, Reversiones et Servitia, ac cetera omnia et singula Præmissa, cum omnibus suis Juribus et Pertinentiis, præfato Domino nostro Regi, Hæredibus, Successoribus et Assignatis suis, ad Usum prædictum, contra omnes gentes warrantizabimus et imperpetuum defendemus per præsentes. In quorum Testimonium, Nos præfatus Prior et Conventus, huic præsenti Scripto nostro Nomina nostra Manibus propriis subscripsimus, Sigillumque nostrum commune apposuimus. Dat. in Domo nostra Capitulari ultimo Die Mensis *Decembris* Anno Regni prædicti Regis invictissimi Principis et Domini nostri Regis *Henrici* octavi tricesimo primo.

Inspeximus etiam quoddam Memorandum de Die et Anno Cognitionis ejusdem Scripti in eisdem Rotulis dicti nuper Patris nostri etiam irrotulati, ac in Rotulis Cancellariæ nostræ prædictæ similiter residen. in hæc Verba. Et memorandum quod Die et Anno prædictis venerunt Prior et

Conventus

Conventus in Domo suâ Capitulari apud Durham prædict. coram *Thoma Leighe* uno Clericorum Cancellariæ dicti Domini Regis et recognoverunt Scriptum prædictum, ac omnia et singula in eodem contenta in formâ prædictâ: Nos autem seperales Tenores Irrotulament Script. et Memorand. prædictorum ad Requisitionem dilecti Subditi nostri *Tobiæ Mathewe* Sacræ Theologiæ Doctoris Decani Ecclesiæ Cathedralis Christi et beatæ Mariæ Virginis Dunelmiæ prædict. duximus exemplificandum per præsentes. In cujus rei Testimonium has Literas nostras fieri fecimus Patentes Teste meipsâ apud Westmonasterium *Undecimo* die *Octobris* anno Regni nostri tricesimo primo.

GERRARDO

Examinatur per nos { Mattheum Carew et R: Swale. } Clericos

A GRANT *for Life to Queen* HENRIETTA-MARIA *Consort to King* CHARLES *the first.* 1626.

N°.

(RYMER's Fœdera Vol: 18, Pat. 2. Car. 1. p. 4. n. 3.)

REX omnibus ad quos &c: Salutem. Sciatis quod nos tam pro amore & affectione nostris, quas ex animo & intime gerimus erga precharissimam & predilectissimam Consortem nostram Dominam *Henrietta-Mariam* Reginam, quam in parte Compensationis & Contentationis pro Junctura & Dote suis, de Gratia nostra speciali ac ex certa Scientia & mero motu nostris, Dedimus concessimus et assignavimus, ac per presentes pro nobis Heredibus et Successoribus nostris; damus, concedimus, & assignamus, dicte Consorti nostre *Henriette-Marie* Regine:

Totum illum annualem Redditum sive Feodum firmum nostrum *undecim Librarum duodecim Solidorum & duorum Denariorum,* de Manerio de infra Episcopatum *Dunelmensem,* nobis Heredibus et Successoribus nostris EDREDACRES exeuntium sive salubilium:

Ac totum illum annualem Redditum sive Feodum nostrum *sexdecim Librarum & Solidorum,* de Prebenda de AUCKLAND & BINCHESTER in predicto Episcopatu *Dunelmensi,* nobis Heredibus et Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *quadraginta trium Librarum & decem Solidorum* de Decanatu de LANCHESTER, et de Prebenda de LANGLEY infra Episcopatum *Dunelmensem* predictum nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totnm illum annualem Redditum sive Feodum firmum nostrum *triginta sex Librarum tresdecim solidorum & quatuor denariorum,* de Decanatu de DARLINGTON, ac de Decimis Lanæ Agnorum et Vitulorum in *Darlington* predicta in dicto Episcopatu *Dunelmensi,* nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *undecim Librarum quinque solidorum & quatuor denariorum*, de Prebenda de COCKERTON. BLACKWELL, et de Prebenda de RAWE, Parcella Decanatus de *Darlington* predicta in dicto Episcopatu *Dunelmensi*, nobis Heredibus et Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *octagin' & octaginta Librarum*, de diversis Terris, Messuagiis, Grangis, Dominiis & Maneriis de ALLERTON alias *Allerton sheire* in Comitatu Eborum, ac de Dominiis & Maneriis de ESINGTON alias *Esington Ward* alias *Esington-Coronatorum*, SEDBARGH, COTTON-MONVILE, MIDLEHAM, & GATESHED, in dicto Episcopatu *Dunelmensi*, ac de terris et tenementis in HOLDEN & *Holdenshire* in dicto Comitatu Eborum, nobis Heredibus et Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *quadraginta septem Librarum undecim solidorum & quatuor denariorum*, de Manerio de CHOPWELL in Episcopatu *Dunelmensi*, nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totam illam Decimam sive annualem Redditum nostrum *ducentarum et octodecim Librarum* reservatarum de Scitu & Precinctu nnper Monasterii DUNELMENSIS, in *Dunelmensi* Episcopatu, ac inde nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *octoginta trium Librarum & septem solidorum*, de Manerio de GRINDON in Episcopatu *Dunelmensi*, predicto, nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum, *septemdecim Liberarum sex solidorum & octo Denariorum*, de Rectoria & Ecclesia de STAINTON, in predicto Episcopatu *Dunelmensi*; nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *viginti duarum Librarum*, de Rectoria et Ecclesia de HART & HARTLE-

POOLE in dicto Episcopatu *Dunelmensi* nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *viginti sex Librarum duorum solidorum octo Denariorum et unius Obuli*, de Prebendis de LOMLEY, PELTON, CHESTER, TANFIELD, BIRTLEY & URPETH, in dicto Episcopatu *Dunelmensi*, nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

Ac totum illum annualem Redditum sive Feodum firmum nostrum *octoginta trium Librarum quatuor Solidorum & octo denariorum* de Manerio de BARNES, HAMILDEN & CLOWCROFTE, in dicto Episcopatu *Dunelmensi*, nobis Heredibus & Successoribus nostris exeuntium sive solubilium,

Ac totum illum annualem Redditum sive Feodum firmum nostrum *novem Librarum et quatuor Denariorum*, de terris et tenementis in BINCHESTER in dicto Episcopatu *Dunelmensi* nobis Heredibus & Successoribus nostris exeuntium sive solubilium;

Ac totum illum annualem Redditum sive Feodum firmum nostrum *tresdecim Librarum sex Solidorum & octo Denariorum*, de terris et tenementis vocatis *le Close in* ELWICKE, *in* dicto Episcopatu *Dunelmensi*, nobis Heredibus & Successoribus nostris exeuntium sive solubilium:

HABENDUM tenendum & gaudendum omnia et singula predicta Domos Mansionales Terras Tenementa annuales Redditus sive Feoda firma Decimas, et cetera premissa superius per presentes preconcessa prefate precharissime & predilectissime Consorti nostre Domine *Henriette-Marie* Regine ad terminum vitæ suæ naturalis, absque Compoto seu aliquo alio proinde nobis Heredibus & Successoribus nostris quoquomodo reddendo seu solvendo.

In cujus rei Testimonium &c.

Teste Rege apud *Westmonasterium quarto decimo Die Martii*, 1626.

Per Breve de Privato Sigillo.

The Answer of the Dean and Prebendaries of DURHAM, *setting forth the Reasons why they cannot possibly produce their Booke of Chapter Actes, as they were ordered by the Right Honourable the Lords of the upper House of Parliament. Sans date, but probably about* 17. *April* 1646.

FIRST they, supposing that the said Booke might bee in one of the Trunkes which were sent to *Hull* at the Time of the Distraction upon the Entringe of the *Scottish* Armie, did send an expresse Messenger to *Hull*, with a Letter to Sir *Thomas Glemham*, Govenor of the Towne, intreating him to open the said Trunkes before good Witnesses, and to search for the said Chapter Booke; as appeareth by their Letter unto the said Govenor.

2. THAT the said Govenor did find but one Trunck of the Churches there, in which the Book of their Chapter Actes was not to be found, as appeareth by the Letter and Testimony under the Hands and Seals of those who opened and searched the said Truncke, by the Govenor's Appointment.

3. THAT the Dean and Prebendaries immediately after sent another express Messenger to *Durham*, with Letters to their Chapter Clarke, requiring him at his Perill to find out the said Book (whose Charge properly it is) or else to come up himself in Person, and give Satisfaction to their Lordships, why it could not be produced; as appeareth by their Letters to their said Chapter-Clarke.

4. THAT their Chapter-Clarke is not come up, but hath sent his Servant, who hath deposed before their Lordships some Things, wherein he may be deceived; because it is certain that he is mistaken in deposing, that Dr. *Duncon* was present at the making up of that Trunk at Dr. *Clarke's* House, in which the said Booke was supposed to be.

5. AND therefore they do suppose, that that Truncke is lost, either by the neligence of the said Chapter-Clarke (hee being in the Ship where it

it was, and it being his proper Charge to looke after it) or by the Avarice of Marriners, who finding it weightie (as being full of Books) might suppose it was filled either with Money or Plate; or, if it were left behind in the Registry (wher usually it remained) it might be torn and destroyed by the *Scottish* Soldiers, who broke open both their Treasurie and Registrie, defacinge and destroying therein many Evidencies; and, in all Probabilitie, would have done so with all the rest, if they had not been restrained and severely punished by their Officers, especiallie by Serieant Major General *Bailie*.

6. A L L thes Things are ready to be deposed by the Dean or Prebendaries, which they well hope their Lordships will easily believe for these two Reasons.

7. F I R S T, that the losse of the Truncke is most prejudiciall and disadvantagious to them, as having in it many of their Leiger Books, Counterpanes of Seale, and other Evidences and Chartularies, which must bee of invaluable Losse to the Church of *Durham*; and they are confident that the Booke of Acts would have cleared them very much concerning their Proceedings with Mr. *Smart*.

8. S E C O N D L Y, to shew that they have used their utmost Diligence, they shall produce unto your Lordships all the Warrants, which possiblie could be found in their Registrie, for entering their Actes into the said Book. Which Warrants contain the Summe of all Things that have been entered into that Booke for almost twentie Yeares; which is before the time that any difference hath been concerning Mr. *Smart*.

☞ 1646 April 17. The Commons having passed a Vote for the allowance of 800£. a Year to the Bishop of Durham, sent the same up to the House of Peers for their Concurrence, who consented thereto. Rushworth V. 6. p. 260.

Extracts from the Journals of the House of Commons.

1646 May 2 and 18. An Order for 800 a Year to be paid Dr. *Morton*, Bishop of Durham, out of the Revenues of the See. Vol. IV. p. 529.
1647 July 14. Order referred to Judges to settle passing *Fines* at Durham, and the Bishops *Jura Regalia*. Vol. V. p. 246.
August 14. An Ordinance to take away the Jurisdiction of the County Palatine. Vol. V. p. 274.
October 4. *Bishop Morton* petitions for the 800 a Year, and ordinance for the Payment p. 326.

AN

ORDINANCE

Of the Lords and Commons assembled in Parliament, for appointing the Sale of Bishop's Lands *for the Use of the Commonwealth in* 1646.

(*From* Scobell's *Collection of Acts during* Oliver Cromwell's *Usurpation*, p. 101)

WHEREAS by an Ordinance of the Lords and Commons made the *Ninth of October One Thousand Six Hundred & Forty Six*, the Name, Title, Stile and Dignity of *Archbishop of Canterbury*, *Archbishop of York*, *Bishop of Winchester*, *Bishop of Duresme*, and of all other Bishop's of any Bishopricks within the Kingdom of *England* and Dominion of *Wales*, from the *first* of *September* 1646, is wholly abolished and taken away, and all and every Person and Persons are disabled to hold the Place, Function, or Stile of *Archbishop* or *Bishop* of any Church, See, or Diocess, within the Kingdom of *England* and Dominion of Wales by any Authority whatsoever; and all *Counties Palatine*, Honors, Manors, Lands, Tenements and Hereditaments, and other the Premisses in the said Ordinance mentioned, were and are vested and settled, adjudged and deemed, to be in the actual Possession and Seizin of *Thomas Adams* Alderman, then Lord Mayor of the City of *London*, Sir *John Wollaston* Knt. Sir *George Clarke* Knt. *John Langham* Alderman, *John Fowke* Alderman, *James Bunce* Alderman, *William Gibbs* Alderman, *Samuel Avery* Alderman, *Thomas Noel*, *Christopher Pack*, *John Bellamy*, *Edward Hooker*, *Thomas Arnold*, *Richard Glide*, *William Hobson*, *Francis Ash*, *John Babington*, *Laurence Broomfield*, *Alexander Jones*, *John Jones*, *Richard Venner*, *Stephen Estwick*, *Robert Mead* and *James Storey*, their Heirs and Assigns, upon Trust and Confidence, that the said persons before named, their Heirs, and Assigns, should have

and hold the Premisses and every of them, subject to such trust and confidence, as both Houses of Parliament should appoint, declare, and dispose of the same, and the Rents and Profits thereof, as the said Houses should order and appoint.

PROVIDED and it is further declared and ordained, that whereas the late *Bishop of Durham*, and other his Predecessors *Bishops of Durham*, have hitherto exercised and enjoyed as *Counts - Palatine* sundry great Franchises, Liberties and Jurisdictions, commonly called *Jura Regalia*, that this Ordinance, nor any thing therein contained, extend not, nor be construed to extend to give Power or Authority to the Persons herein named, or any of them, to sell dispose, or any way to contract for the said *Jura Regalia* belonging unto the said *Bishop* or his Predecessors as *Counts Palatine*, or any of them; but that the same shall remain in the said Trustees named in a late Ordinance, Intitled, *An Ordinance for the abolishing of Archbishops & Bishops within the Kingdom of England and Dominion of Wales, and for settling their Lands and Possessions upon Trustees, for the Use of the Commonwealth, to be disposed of as both Houses of Parliament shall think fit and appoint;* any thing in this present Ordinance to the contrary thereof contained in any wise notwithstanding.

A *Particular of* LANDS *belonging to the* Bishop *of* Durham SOLD *by vertue of an* Ordinance, *intitled, An Ordinance for abolishing of Archbishops & Bishops within the Kingdom of England & Dominion of Wales, & for settling their Lands & Possessions upon Trustees for the use of the Commonwealth, to be disposed of as both Houses of Parliament shall think fit & appoint.* Strype's Annals Vol. 2. Appendix p. 65. Willis Cathedrals.

1647.

Oct. 18.	Certain Farms parcel of *Houghton le Spring* Manor, sold to *Adam Sheppardson* for - - - - - - -	352	0	0
Feb. 2.	Houses, Shops and Waste Ground on *Tyne Bridge*, sold to *Francis Alder* for - - - - - - - -	59	2	6
Mar. 8.	*Bishop Auckland* Manor sold to *Sir Art. Hasilrigge* -	6102	8	11½
22.	Manor of *Ivy Church* Co. *Wilts*, & *Alderbury*, and 200*£* a Year out of *Durham House*, parcel of Sees *Durham* & *Sarum* to *Sidney Bere* & *Ferd. Parkhurst*	7280	2	4
24.	The Fee Farm of 40*£*. a Year out of the *New Exchange* called *Britains Burse* to *Earl* of *Salisbury*	480	0	0
	Stockton Manor to *William Underwood* & *Ja. Nelthorpe*	6165	1	2½

1648.

Apr. 19.	Several Parcels of *Gateside* Manor by *Tyne-bridge*, sold to *James Baylis* for - - - - - - - - -	63	15	10
May 10.	Lands in *Northallerton* to *John Wastell* & *Ja. Danby*	102	10	0
	Northallerton Manor Sold to *Willam Cave* for - -	1453	6	8½
June 9.	Two third parts of *Tanfield Moor* Coal Mines sold to *Richard Marshall* for - - - - - - - - -	91	16	0
	Third part of *Tanfield* Colliery to *Arch. Lovett* for	17	6	8
	Carried over	22167	19	2½

	Brought over	22167	19	2¼
Dec. 8.	Several Oxgangs in *Osmotherly* C. *York* to *Tho. Todd*	186	17	2
15.	Lands in *Sowerby, Osmotherly, Northallerton* &c. to *Robert Medcalfe* for - - - - - - - - -	108	7	3¾
Mar. 7.	*Crayke* Manor to *Sir Tho. Widdrington* & *Tho. Cogkill*	1163	8	2½
24.	Part of *Wolsingham* Manor to *John Emmerson* for -	406	13	4

1649.

May 2.	*Durham Castle* to *Tho. Andrews* L. Mayor of *London*	1267	0	10
30.	Parcel of *Wolsingham* Manor to *Richard Marshall* -	158	11	8
June 29.	Lands in *Northallerton* Manor sold to *Tho. Lassels* -	553	17	3
	Several Lands in *Northallerton* to *Robert Medcalfe* -	289	0	3
Sep. 21.	*Frankland Wood Park* & *Colliery* with Meadows in *Durham Moor* & *Gateside*, & Tolls of the Town of *Gateside* sold to *Thomas Redger* for - - - -	2559	2	0
Nov. 9.	*Bishop-Middleham* Manor to *Thomas Hasilrigge Esq.*	3306	6	6½
	Sunderland Burrough, and the Manor of *Houghton le Spring* sold to *George Fenwicke* for - - -	2851	9	6

1650.

Apr. 5.	*Easingwood Burrough* to *Sir Arth. Hasilrigge* for —	5833	9	9
	Beddlington Manor & *Choppington Farms* sold 21 Jan. 1649, & again in 1650 to *Robert Fenwicke Esq.* -	1296	0	5½
May 31.	Parcel of *Northallerton* & *Whiston Cliffe*, parcels of the Sees of *Durrham* & *York* sold to *Moses Jenkins*	113	0	4
	Parcel of *Northallerton* Manor sold to *Henry Darley*	125	1	1¾
June 1	Parcel of Land in *Rinehope* to *George Fenwicke Esqr.*	2091	16	3
	Carried over	45451	1	2½

Brought over	45451	1	2½
June 1. *Wolsingham* Manor sold to *Sir Arihur Hasilrigge* for	6764	14	4
July 27. *Howden* Manor to *Will. Underwood* & *Tho Coghill* -	5192	15	0
Mar. 24. *Easington* Manor sold to *Walter Boothby Esq.* for -	8528	2	3

1651.

Apr. 18. *Durham Burrough* & *Framwellgate* sold to the corporation of *Durham* for - - - - - - - - -	200	0	0
May 2. Two Parcels of Land near *Durham* to *Rich. Marshall* -	8	13	4
Northallerton Burrough to *Hen Durley* & *John Wastell*	237	3	2
Mar. 12. Several Parcels of Land on *Tynebridge* to *Fran. Alder*	52	5	8
	66434	14	11½

***

Wormley Generosum et *Dorotheam* Uxorem ejus et *Robertum Wormley* Generosum *Deforc.* De decem et octo acris Prati et viginti et quatuor acris Pasturæ cum pertin. in Hurworth *super Tease* Unde Placitum Convencionis sum. fuit inter eos in eadem Cur. Scil. quod præd. *Willielmus* et *Dorothea* et *Robertus* recogn. prædicta Ten cum pertin. esse jus ipsius *Joannis* ut illa quæ iidem *Johannes* et *Thomas* habent de dono prædictor. *Willielmi* et *Dorotheæ* et *Roberti* Et illa remiser. et quiet. clam. de ipsis *Willielmo* et *Dorothea* et *Roberto* et hæred. suis prædict. *Johanni* et *Thomæ* et hæred. ipsius *Johannis* imperpetuum. Et præterea iidem *Willielmes* et *Dorothea* concesser. pro se et hæred. ipsius *Willielmi* quod ipsi warant. prædictis *Johanni* et *Thomæ* et hæred. ipsius *Johannis* prædicta Ten. cum pertin. contra prædictos *Willielmum* et *Dorotheam* et hæred. ipsius *Willielmi* ac contra *Willielmum Wormley* præm. prædictor. *Willielmi* et *Roberti* et hæred. suos imperpetuum. Et Ulterius idem *Robertus* concessit pro se et hæred. suis quod ipsi warant. prædictis *Johanni* et *Thomæ* et hæred. ipsius *Johannis* prædicta Ten. cum pertin. contra prædictum *Robertum* et hæred. suos Ac contra prædictum *Willielmum Wormley* præm. et hæred. suos imperpetuum. Et pro hac recogn. remissione quiet. clam. warant. fine et concordia iidem *Johannes* et *Thomas* dederunt prædictis *Willielmo* et *Dorotheæ* et *Roberto* sexaginta libras Sterlingor In Cujus rei Testemonium Sigillum nostrum ad Brevia in Banco prædicto sigilland. deputat. præsentibus apponi fecimus. Teste *O. St. John* apud Westm. *primo* die *Maii* anno Dom. supradicto.

GOODWYN.

THE

RECOMMENDATORY LETTER

OF

OLIVER CROMWELL

TO

WILLIAM LENTHALL Esq; Speaker of the House of Commons

for erecting a COLLEGE and UNIVERSITY at

DURHAM

AND

His Letters Patent (when Lord Protector) for founding the same.

WITH

The Address of the Provost and Fellows of the said College to his Son RICHARD Lord Protector on the death of his Father.

INTRODUCTION.

1649. AFTER *King* CHARLES *had fallen a Martyr to a bold and unrelenting faction, the House of Commons voted the House of Lords useless and dangerous. It was therefore abolished and all the Peers reduced to a level with their fellow Subjects, They afterwards passed an Act abolishing the Kingly Power, as useless, burthensome and dangerous; and decreed, that the State should be governed by the Representatives of the People sitting in the House of Commons, under the form of a Republic. On their new Great Seal were engraven the Arms of England and Ireland, circumscribed* The Great Seal of England; *The other side represented the House of Commons, with this Inscription;* In the Year of Freedom by Gods blessing restored, 1648. *It was committed to the charge of a certain number of Persons, intitled,* The Conservators of the Liberty of England; *all publick orders were expedited in their Names, under the direction of Parliament; thirty nine Persons were chosen as a Council of State for the Administration of Publick Affairs under the Authority of Parliament.*

1649 April 30. *This Parliament passed an Act for the abolishing of Deans, Deans and Chapters, Canons, Prebends and all other Offices and Titles, of or belonging to any Cathedral or Collegiate Church or Chapel within England & Wales; and the name and function of Dean, Sub-Dean & Chapter &c. abolished and taken way; and all their Honors, Manors, Lands &c. together with their Charters, Deeds, Books, Court Rolls &c. are thereby adjudged and taken to be in the real and actual possession and seizin of Trustees therein named, in trust to be disposed of by Parliament.*

1650 May 7*th*

A PETITION *was made to the Parliament from the Gentlemen Freeholders and Inhabitants of the County of* Durham, *and delivered by the Grand Jury at the Assizes, and sent up by the High Sherriff, praying that an Establishment of Courts of Justice might be had there; and that the* College *and* Houses *of the* Dean & Chapter *being then empty and in decay, might be employed for erecting a* College, School, *or* Academy *for the benefit of the* Northern Countries, *which were so far from the Universities; and that part of the Lands of the said Dean and Chapter near the City, might be set out to Trustees for Pious Uses.*

THIS Petition was referred to a Committee to state this Business, and report their Opinions touching the desires of the County.

THE Committee reported, that they so far approved thereof, as that they were of Opinion that the said Houses were a fit place to erect a College or School for all the Sciences and Literature; and that it would be a pious and laudable work, and of great use to the Northern parts, and ordered Sir Arthur Hesilrige *to make a Report thereof to the House accordingly.*

1656. *An Order was made by* Oliver Cromwell *Lord Protector of the Commonwealth of England &c. and his Privy Councel for founding and endowing a* College *at* Durham, *out of the Dean and Chapters Lands there.*

These Proceedings gave occassion for the following Letter of Oliver Cromwell *of* 11 March 1650, *and his Letters Patent of* 15 May 1657.

THE

THE

RECOMMENDATORY LETTER

OF

OLIVER CROMWELL

(*When General of the Forces of the Commonwealth*) *to* WILLIAM LENTHALL Esq; *Speaker of the Parliament, for erecting a* College at DURHAM.

SIR,

HAVEING received Informacion from the Mayor & Citizens of Durham & some Gentlemen of the Northerne Counties that upon theire Peticion to the Parliament, That the Howses of the late Deane & Chapter in the Citie of Durham might be converted into a Colledge or Schoole of literature; the Parliament was pleased in May last to referr the same to the Comittee for removeing obstructions in the Sale of Deane & Chapter Lands to consider thereof & to report theire Opinion therein to the Howse, which said Comittee (as I am also informed) have so farr approved thereof as that they are of Opinion that the said Howses will be a fitt place to erect a Colledge or Scoole for all the Sciences & literature, and that it will be a pious and laudable Worke, & of greate use to the Northerne parte; And have ordered *Sir Arthur Hesilrige* to make report thereof to the Howse accordingly, And the said Citizens & Gentlemen having made some Addresse to me to contribute my Assistance to them therein, to which in soe good & pious a Worke I could not but willingly and Hartily concurr: And not knowing wherein I might better Serve them or answere theire desires then by recomending the same to the Parliament by Sir your Selfe their Speaker: I doe therefore make it my Humble & earnest request that the Howse may be moved as speedily as conveniently

conveniently may be to heare the Reporte of the said Comittee concerning the said business from *Sir Arthur Hesilrige*; that soe the Howse, takeing the same into consideration may doe therein what shall seeme meete for the goode of those poore Countries; Truly it seemes to me a matter of great concernment and importnance as that which (by the blessing of God) may much conduce to the promoting of Learning & Piety in these poore rude & ignorant parts, there being also many concurring advantages to this place, as pleasantnes & aptnes of Scituation healthfull Aire & Plenty of Provisions which seeme to favor & plead for their desires therein; And (besides the good so obvious to us those Northerne Counties may reape thereby) who knowes, but the setting on foote of this worke at this tyme may suite with Gods present dispensacions, & may (if due Care & Circumspection be used in the right Constituting & carrying on the same) tend to to & (by the blessing of God) produce such happy & glorious Fruites as are scarse thought on, or foreseene, Sir not doubting of your readiness & zeale to promote so good and publiq; a worke I crave pardon for this boldnesse & rest

Sir

Your most humble Servant

O. CROMWELL

EDINBURGH, *the* 11*th March* 1650

For the Right Honorable William Lenthall *Esq. Speaker of the Parliament of the Commonwealth of England. These.*

EXTRACTS from the Journals of the House of Commons, touching the College at Durham being converted into a University.

VOL. VI. 8 *May*, 1650.

A LETTER from the Sheriff and Gentlemen of the County of *Duresme*, dated the Twenty-fourth of *April* 1650; with a Paper intituled, "The humble desires and Representations of the Gentlemen, Freeholders, and Inhabitants of the County of *Duresme*, delivered in by the Grand Jury at the Sessions of the Peace holden at *Duresme* the Twenty-fourth of *April* 1650, to be presented to the Honourable Parliament of this Nation;" were this day read. p. 410.

Ordered, That it be referred to the Committee of Obstructions for Sale of Deans and Chapters Lands, to consider of the desires of theGentlemen, and others of that county, touching the converting some of the Buildings at *Duresme*, called the College, which were the Houses of the late Dean and Chapters into some College, or School of Literature; to state the Business; and send for the Surveys touching the Dean and Chapters Lands in the County of *Duresme*; and report their Opinions therein to the House p. 410.

Ordered, That it be referred to the Committee concerning Hospitals, to consider of the desires of the Gentlemen and Freeholders of the County of *Duresme*, touching the setting out some Lands in particular, near adjacent to the city of *Duresme*, for Payment of divers Sums of Money, and annual Payments to the Poor and School of *Duresme*, and other pious Uses; to consider thereof; and report their Opinions therein to the House. p. 4. 0.

Ordered, That Sir *Henry Vane* senior do write a Letter to the Sheriff and Gentlemen of the County of *Duresme*, to let them know, that this House hath taken their requests into Consideration. And, as to the Matter of Burgesses, the same being now under Consideration for all Parts within this Commonwealth, an equal care shall be had of them therein, with the rest of the Nation; And, as to the rest of their desires, the House hath put the same in a way of Examination, in order to their Relief. p. 410.

Ordered,

17 *June*, 1651.

Ordered, That Sir *Arthur Hesilrig* do offer to the House the Business touching the erecting a University at *Duresme*, the first Business to morrow Morning. p. 589.

18 *June*, 1651.

Sir *Arthur Hesilrig* reports, from the Committee of Obstructions, touching *Duresme-College* to be converted to a College or School, for all the Sciences of Literature; *viz.*

IN Obedience to an Order of reference from the Parliament, of the Eighth of *May*, 1650, this Committee do humbly certify, that we have taken into Consideration the Order, with the Petition of the Mayor, Aldermen, and Commonalty of the City and Suburbs of *Duresme*, in reference to the desires and Representations of the Gentlemen and Freeholders of the County of *Duresme*, to the Parliament.

We find, that the whole Scite of the Buildings at *Duresme*, consisting of the Mansion Houses and Buildings of the late Dean, and Prebendaries, and other Officers, belonging to the late Cathedral Church of *Duresme*, called the *College*, contains about Six Acres: That the most of the Buildings are not inhabited, and no Rent paid for them; the Improvement of the Scite and Soil to be Thirteen Pounds Seven Shillings and Eight-pence *per Annum*; the Materials of the Houses and Buildings valued in the Survey at Two Thousand Four Hundred and Fifty Pounds: That the College is conceived to be situate in a pleasant Place, and healthful Air: and where is Plenty of Provisions: That the Place is far remote from either Universities and the Buildings to be demolished supposed not to reach near the Value set upon them, and which the same is worth to be continued to such an Use.

The Committee are of opinion, that the Scite and Buildings at *Duresme*, called the College, is a fit Place to erect a College or School in, for all the Sciences of Literature: And that the same will be a pious and laudable Work, and of very great Use for the Northern Parts.

That

That this Case, stated, with the Opinion of this Committee, be reported to the Parliament.

Resolved, That the House do now proceed upon this Report.

Ordered, That it be referred to the Committee of Obstructions, to examine the State of the Remainder of Dean and Chapters Lands, unsold; and whether they be sufficient to discharge the Securities that are upon the same, over and above the Scite and Buildings at *Duresme*, called the *College*; and if they shall find, that the Security is not sufficient, as aforesaid, then to consider how the Security may be supplied, by some Delinquent's Estate, or otherwise; and the said Scite and Buildings may be settled to the Uses and Intents in this Report; and report the same to the House: [And that the Contractors, Trustees, and other Officers for Sale of Dean and Chapters Lands, do forbear to contract for the Sale of the Scite and Buildings of *Durham*, called the *College*, or to make any Conveyance thereof, or of any Part thereof, until the Parliament take farther Order.]

The humble Petition of Dr. *Thomas Morton* late Bishop of *Durham* was this day read.

Resolved, That, out of the Arrears of the Revenue of the late Bishoprick of *Duresme* (not within the additional Act for providing Maintenance for Preaching Ministers, and other pious Uses) which are concealed, and not paid in to the State, and shall be discovered unto the Commissioners for Compounding &c, which did incurr, and grow due, before the Lands of Bishops were invested in the Trustees, the Sum of Fourteen hundred Pounds shall be paid unto Dr. *Thomas Morton* late Bishop of *Duresme*: And that the said Commissioners do take a speedy Course for the bringing in of such Arrears, and for Payment of the said Fourteen hundred Pounds accordingly: And that the Acquittance and Acquittances of the said Dr. *Thomas Moreton*, or his Assignee or Assignees, shall be a sufficient Discharge to the Treasurers, or such other Persons, as shall pay the same. p. 590.

THE LETTERS PATENT of OLIVER CROMWELL Lord Protector, for founding a College at Durham. 15 May 1657.

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OLIVER Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereto belonging. To all to whom these Presents shall come, Greeting. WHEREAS it hath been represented unto Us by our right trusty and right well beloved Councellor *John Lambert*, and our right trusty and well beloved *General Mountague*, and our right trusty and well beloved *Francis Rous* Esq.; a Committee of our Councell (to whom the Petitions of the Justices, Grand Jury's, Gentlemen and Inhabitants of our City and County of *Durham*, County of *Northumberland*, and Town and County of *Newcastle upon Tyne*, for the founding of a College at the City of *Durham*, was referred by our said Councell) that the founding of a College at

at *Durham* will be of great advantage to those Counties and to all the Northern Parts of this Island, as well in referrence to the promoting of the Gospel, as the religious and prudent Education of young Men there: And it having thereupon been ordered by Us and our Councel (according to the Opinion of the said Committee in pursuance of the Petitioners desires) that a College be erected & founded at *Durham*. KNOW YE therefore that We having taken the Premisses into our Consideration, of our especial Grace, certain Knowledge and mere motion, have thought fit to erect and found, and by these Presents for Us and our Successors do erect and found a College, in our said City of *Durham*, in our County of *Durham*, within the Scite of the College Houses, Cathedral Church and Castle in our said City of *Durham* or some of them; to be and continue a College from time to time hereafter for ever.

3. AND that the said College shall consist of *One* Provost or Master, *Two* Preachers or Senior Fellows, and *Twelve* other Fellows, *Four* of the said Twelve Fellows to be *Professors*, *Four* other of them to be *Tutors*, and other *Four* of them to be *Schoolmasters*. And also *Twenty four Scholars*, *Twelve Exhibitioners*, in the said College, and *Eighteen Scholars* in the *Free School* belonging to the said College.

4. AND We do by these Presents for Us and our Successors will, ordain, constitute and appoint, that they and their Successors shall from henceforth stand and be incorporated and founded, in Name and in Deed, one Body Politique and Corporate, to all intents and purposes. And shall be eligible and be elected, as hereafter is declared. And shall for ever hereafter be called by the Name of *The Master or Provost, Fellows and Scholars of the College in* Durham, *of the Foundation of* Oliver *Lord Protector of the Commonwealth of England Scotland and Ireland and the Dominions thereto belongings*; and by

by the same Name shall have perpetual Succession.

5. AND, to the end that the said College may be at present furnished and provided with fitting persons for this work and service: We do for Us and our Successors constitute and appoint our well beloved *Phillip Hunton* M. A. to be the first *Provost* or *Master* of the said College; and our well beloved *William Spinedge* and *Joseph Hill* M. A. to be the two first Preachers or Senior Fellows of the said College; and our well beloved *Thomas Vaughan*, M. A. *John Kister* M. D. *Robert Wood* M. A. *Ezerel Tong* D. D. *John Peachil* M. A. *Leonard Wastel*, *Richard Russel*, M. A. *John Richel*, *Nathaniel Vincent*, M. A. *William Corker*, *John Doughty* M.A. and *William Sprigg* to be the first twelve other Fellows of the said College; whereof the said *Thomas Vaughan*, *John Kister*, *Robert Wood and John Peachil* shall be the first four Professors; and the said *Ezerel Tong*, *Richard Russel*, *John Richel* and *John Doughty* shall be the first Tutors of the said College; and the said *Nathaniel Vincent*, *William Corker William Sprigge* and *Leonard Wastel* shall be the first four Schoolmasters of the said College.

6. AND We do by these Presents for Us and our Successors (with the advice of our Councel) of our like especial Grace, certain Knowledge and mere motion, and for the Endowment of the said College with some competent means for the maintenance thereof, and for the better Advancement of Learning and Religion in those parts give and grant unto the said Master or Provost, Fellows and Scholars of the said College in *Durham* of the foundation of *Oliver* Lord Protector of the Commonwealth of England, Scotland and Ireland and the Dominions thereto belonging, and their Successors; ALL that the Cathedral Church and Churchyard and College of *Durham* aforesaid

said; and also all and singular Messuages and Houses, and all Orchards, Gardens, Courts, Courtyards, Curtilages, Wastes, and Wast Grounds thereunto belonging, which are yet unsold, & which were lately belonging to the late Dean and Chapter of the said Cathedral Church of *Durham*; and the Free-School there and School-House, and the Houses for Schoolmasters there, with all Orchards, Gardens, Courts, Courtyards, Curtilages, Wasts and Wast Grounds thereunto belonging, with their and every of their Rights, Members Precincts, Privileges, Hereditaments, and Appurtenances, in any wise, unto any of the said Premisses belonging, in as ample a manner as the late Bishop, or Dean and Chapter of *Durham*, or the Trustees for Sale of the Lands and Possessions of the late Bishop's Deans and Chapters, or any of them, have held and enjoyed, or of right ought to have had held and enjoyed the same. TO have and to hold the said Cathedral Church and College of *Durham*, and also all and singular the aforesaid Messuages and Houses that are yet unsold, and that were lately belonging to the late Dean and Chapter of the said Cathedral Church of *Durham*, and the Free-School there, and School Houses, and the Houses for School Masters there, with their and every of their Rights, Members, Precincts, Privileges, Hereditaments and Appurtenances, unto the said Master or Provost, Fellows and Scholars of the said College and their Successors for ever.

7. And also We have given and granted, and by these Presents, for Us and our Successors do give and grant, unto the said Master or Provost, Fellows and Scholars of the said College and their Successors, all that Yearly Rent of *One hundred and Seventeen Pounds Fifteen Shillings and Eight Pence*, reserved by one Indenture of Lease bearing date on or about the *Sixth* Day of *April* in the *four and twentieth*

Twentieth Year of the Reign of the late Queen *Elizabeth*, made or mentioned to be made by *Richard (Barnes)* then Bishop of *Durham* unto the said late Queen *Elizabeth*, for the Term of *Ninety nine* Years then next following; the said Yearly Rent to be issuing and payable out of the several Manors of *Gateside* alias *Gateshead* and *Wickham* with their Appurtenances in the said County of *Durham*: TO have and to hold the said Yearly Rent of *One Hundred & Seventeen Pounds Fifteen Shillings & Eight Pence* in and by the said Indenture reserved, and in and by these Presents granted as aforesaid unto the said Master and Provost, Fellows and Scholars of the said College, and their Successors, for and during the residue of the said time and term of *Ninety nine* Years, in and by the said Indenture granted & reserved yet to come and unexpired, to be paid to the said Master or Provost Fellows and Scholars of the said College and their Successors for the time being, at the Feast of *Pentecost* called *Whitsunday*, & *St. Martin* the Bishop in Winter, by even Portions; and if it shall happen the said Yearly Rent of *One Hundred & Seventeen Pounds Fifteen Shillings & Eightpence* to be behind and unpaid in part or in the whole by the space of one and twenty days next after either of the aforesaid days or times whereon the same ought to be paid as aforesaid, that then and from thenceforth and so often, it shall and may be lawful to and for the said Master or Provost, Fellows and Scholars of the said College for the time being, or some other Person or Persons by them authorized thereunto, to use all lawful means and remedy for the recovery and receiving of the said Yearly Rent of *One Hundred & Seventeen Pounds Fifteen Shillings & Eight-pence*, and every part and parcel thereof which shall so happen to be behind and unpaid by Distress or otherwise.

AND

8. AND further, We do by these Presents, for Us and our Successors, give and grant unto the said Master or Provost or Fellows & Scholars of the said College and their Successors, one Yearly Rent Charge of *Five Hundred Pounds* per Annum, to be payable, issuing, and going out of the aforesaid several Manors of *Gateside* alias *Gateshead* and *Wickham*, with their and every of their Appurtenances in the said County of *Durham*, and out of all Houses, Edificies, Buildings, Barns, Stables, Orchards, Gardens, Woods, Underwoods, Mines, Quarries, Mills, Moors, Marishes, Wast Grounds, Waters, Fishings, Burrow Courts, Profits and Perquisites of Courts, Heath Grounds, Lands, Tenements and Hereditaments within the aforesaid Manors or any of them. TO have and to hold the said Yearly Rent Charge of *Five Hundred Pounds* unto the said Master or Provost Fellows and Scholars of the said College and their Successors, at the Feasts of Pentecost called Whitsunday and on the day of St. Martin the Bishop in Winter by even Portions, the first Payment thereof to begin and be made at the first of the said feasts or days which shall next happen after the end or other sooner determination of the aforesaid Lease; and if it shall happen that the said Yearly Rent Charge of *Five Hundred Pounds* shall be behind and unpaid in part or in the whole, by the space of one & twenty days next after either of the aforesaid days or times whereon the same ought to be paid as aforesaid; that then and from thenceforth and so often, it shall & may be lawful to and for the said Master and Provost, Fellows and Scholars of the said College and their Successors, or some other Person or Persons by them authorized thereunto, into the said Manor of *Gateside* alias *Gateshead* and *Wickham* with their Appurtenances, and into the Edificies, Houses, Lands, Tenements, Hereditaments and

and other the Premisses, or into any part or parcell thereof to enter and distrain, and the distress and distresses then and there found, to lead drive carry away, and with them to detain and keep, untill the said Master or Provost, Fellows and Scholars of the said College and their Successors be fully satisfied and paid the said Yearly Rent of *Five Hundred Pounds* and all Arrearages thereof, if any shall be.

9. AND further We do by these Presents for Us and our Successors, give and grant unto the said Master or Provost, Fellows and Scholars of the said College and their Successors, one other Yearly Rent Charge of *Two Hundred & Eighty two Pounds Four Shillings & Four Pence*, to be issuing and payable out of the Rectories, Impropriations and Parsonages Impropriate, late belonging to the late Bishop or Dean and Chapter of *Durham*, or any of them respectively: TO have and to hold the said Yearly Rent Charge of 282. 4. 4. unto the said Master or Provost, Fellows and Scholars of the said College and their Successors for ever, to be paid unto the said Master or Provost, Fellows and Scholars of the said College and their Successors, at the Feast of Pentecost commonly called Whitsunday, and St. Martin the Bishop in Winter, by even and equal portions, and if it shall happen the said Yearly Rent Charge of 282. 4. 4. to be behind and unpaid in part or in the whole by the space of one and twenty days next after either of the said Feasts whereon the same ought to be paid as aforesaid; that then and from thenceforth and so often, it shall and may be lawful to and for the said Master or Provost, Fellows and Scholars of the said College and there Successors, or any other Person or Persons by them authorised thereunto, into the said Rectories, Impropriations, and Parsonages Impropriate, or into any part thereof to enter and distrain, and the distress and distresses

distresses then and there so taken, to lead drive and carry away, & with them to detain & keep, until the said Master or Provost Fellows and Scholars of the said College & their Successors, shall be fully satisfied and paid the said Yearly Rent of 282. 4. 4. and all Arrearages of the same, if any shall be.

10. AND further, We do by these Presents for Us & our Successors, give & grant unto the said Master or Provost, Fellows & Scholars of the said College and their Successors, all *Manuscripts, Library Books, & other Books & Mathematical Instruments & all other Instruments whatsoever*, late belonging or appertaining to the late Bishop & Dean & Chapter of *Durham*, or either or any of them respectively, relating to the practice of any of the liberal Sciences; & all our Right, Property, Interest, Claim & Demand of, in & unto all & every the said Manuscript Books & Instruments: TO have & to hold the said Manuscripts, Library Books and other Books and Mathematical Instruments & other Instruments aforesaid, unto the said Master or Provost, Fellows & Scholars of the said College & their Successors, as of our free Gift,

11. AND further, We do by these Presents, for Us & our Successors, give & grant unto the said Master or Provost, Fellows and Scholars of the said College and their Successors; that it shall and may be lawful for them from time to time, & at all times hereafter, to purchase, have, hold and enjoy to them & their Successors, any Lands, Tenements & Hereditaments, Rents or Revenues, not exceeding the Yearly Value of *Six Thousand Pounds*, and any Goods or Chattels whatsoever of the Gift, or to be purchased of Us or our Successors, or of any other Person or Persons whatsoever: the Statute for not putting Lands or Tenements in Mortmain, or any thing

thing therein contained to the contrary thereof in any wise notwithstanding.

12. AND We will, and by these Presents for Us and our Successors, do ordain and appoint, that the said College by the name of the Master or Provost, Fellows and Scholars of the College in *Durham* of the foundation of *Oliver* Lord Protector of the Commonwealth of England, Scotland, & Ireland, and the Dominions thereunto belonging, and their Successors, shall have power and authority to demise, lease and grant their Possessions and Hereditaments aforesaid, as other Colleges may lawfully do, and not otherwise; and to sue and implead, and to be sued and impleaded by the name aforesaid; and to do, perform, and execute all and every other lawful Acts and Things, good, necessary, and profitable, for the said College, in as full and ample manner, to all intents, purposes and constructions, as any other Collegiate Corporation whatsoever may or can lawfully do, and not otherwise.

13. AND We will, and by these Presents for Us and our Successors, do farther grant unto the said Master or Provost, Fellows and Scholars of the said College and their Successors, that they shall and may have a *Common Seal,* for the sealing of such their Demises and Leases, and for the doing of all and every other thing and things, touching the said Corporation; which said Common Seal the said Corporation shall have power to break, change, and new make, so often as their Affairs shall require.

14. AND We will, and by these Presents for Us and our Successors do grant and ordain, that they the said Master or Provost, senior Fellows, Fellows, Professors, Tutors, Schoolmasters, Scholars, Exhibitioners and Students, Officers, Servants and Members of the said College

College, and every of them for the time being, shall be for ever ruled, governed and ordered by, and be subject to such wholesome Orders, Ordinances, Laws, Statutes, Rules & Government, as now are made and in force, or hereafter shall be made, ordained, constituted and appointed by Us or our Successors, with the advice of our Councel for the time being, or by such Visitors as from time to time shall be by Us or our Successors with the advice of our Councel deputed and authorised thereunto.

15. AND We have nominated, constituted and appointed, and by these Presents for Us and our Successors, with the advice of our Councel, do nominate, constitute and appoint, our right trusty and right well beloved Sir *Thomas Widdrington* Knight, Speaker of the Parliament of the Commonwealth of England, Scotland and Ireland and one of the Commissioners of our Treasury; and our right trusty & right well beloved *John Lambert*, Major-General & Commander in Chief within our Counties of *York, Durham, Westmoreland, Cumberland* & *Northumberland*; and our right trusty and right well beloved *Walter Strickland*, one of our Councel; and our right trusty and well beloved *Algernoon* Earl of *Northumberland*; *Thomas* Lord *Fairfax*, Baron of *Cameron*; *William* Lord *Grey* of *Werk*; *George* Lord *Eure*; *Philip* Lord *Wharton*; *Thomas Bellasis* Viscount *Fauconberg*; Major General *Charles Howard*; Sir *Henry Vane* Knight; Major General *Robert Lilburn*; and our trusty and well beloved *Edmond Prideaux* Esq. our Attorney General; *William Ellis* Esq; our Solicitor General; Sir *Wilfred Lawson* Knight; Sir *Arthur Haslerigge* Bart. Sir *George Vane* Knight; Col. *Charles Fairfax*; Sir *William Strickland* Bart. Sir *John Bourchier* Knight; Sir *Thomas Lyddal* Bart. *Luke Robinson* Esq; *Henry Ogle* Esq; *Robert Midford* Esq; *Richard Lilburn* Esq; *Will. Fenwick* of

of *Wallington* in Com. *Northumb.* Esq; *Christ Lyster* Esq; *Rowland Place* of *Dinsdale* in the Bishoprick of *Durham* Esq; *Richard Beke* Esq; *Walter Boothby* Merchant & Citizen of *London* Esq; *Luke Killingworth* of *Northumb.* Esq; *John Rushworth* Esq; *Robert Stappleton* Esq.; *Philip Babington* of *Northumber.* Esq; *George Downing* Esq *Robert Cropley* Esq; *Robert Fenwick* of *Bedlington* in Com. *Northum.* Esq; Colonel *Francis Wrenn; Paul Hobson* of *Seggerston-heugh* Gent. *Robert Hutton* of *Houghton* in the Bishoprick of *Durham* Esq; *John Bright* of *Bridsworth* in the County of *York* Esq; *John Wastell* of *Scorton* in the County of *York* Esq; *George Smithson* of *Kipeling* in the County of *York* Esq; *Jer. Tolhurst* of the City of *Carlisle* Esq. Lieutenant Colonel *John Mayres*; *Adam Baynes* of *Newstrop* in the County of *York* Esq; *Edward Fenwick* Esquire; *Gilbert Marshall* of *Houghall* in the Bishoprick of *Durham* Esq. *Thomas Lilburn* of *Ufferton* in the Bishoprick of *Durham* Esq; *Robert Ellison* of the Town of *Newcastle* Gent. *William Briscoe* of *Cumberland* Esq; *John Archer* of *Westmerland* Esq; *Thomas Bateman* of *Westmerland* Esq; *Henry Horsley* of *Northumb.* Esq; *John Middleton* of *Darlington* in the Bishoprick of *Durham* Gent. *Timothy Tully* of *Westmerland* Gent. *Thomas Ledgard* of *Newcastle* Esquire; *Matthew Skirfield* Gent. *Ralph Rymer* of *Brafferton* in the County of *York* Esq; *Francis Lassells* of *Stanke* in the County of *York* Esq; *Thomas Harrison* Esq, Sheriff of *York; Tho. Langhorn* of *Perith* Gent. *William Lister* Esq; *Jeremiah Baines* Esq; Sir *Christ. Pack* Knight & Alderman of *London;* Sir *Robert Tichborn* now Lord Mayor & Alderman of the City of London; *Stephen Estwick* Alderman of London, *William Johnson* Alderman of *Newcastle; Maurice Thompson* Esq; *Robert Johnson* Alderman of *Newcastle; Tho. Bonner* Alderman of *Newcastle*; *Anthony Smith* Alderman of *Durham*

Henry

Henry Rowell Alderman of *Durham*; *Thomas Craister* Alderman of *Carlisle; Thomas Watson* Alderman of *Berwick*, and *George Dawson* Alderman of *Newcastle; Samuel Hammond* of *Newcastle* upon *Tyne; Thomas Weld* of *Gateside* in the Bishoprick of *Durham; Edw. Bowles* of the City of *York*; *William Cole* of *Newcastle* upon *Tyne*; *William Durand* of the same; *Richard Gilpin* of *Greystock* in the County of *Westmerland; William Keys* of *Stoickley* in the County of *York; Thomas Trewren* of *Ovingham* in the County of *Northumb.* *Richard Prideaux* of *Newcastle* upon *Tyne; Henry Leaver* of *Branspeth* in the Bishoprick of *Durham*; *Ralph Tunstall* of *Long-Newton* in the Bishoprick of *Durham*; *Thomas Smalwood* of *Batley* in the County of *York; Will. Styles* of *Leeds* in the County of *York*; *John Milnerd* & *James Fisher* of *Sheffield* in the County of *York*, Ministers of the Gospel; to be the first Visitors of the said College, and of the Revenues & Possessions thereunto belonging. AND We do likewise by these Presents, for Us and our Successors, will & appoint, that Major General *Howard Richard Lilburn* of *Tickley-Pincherden* in the County of *Durham*; Major General *Robert Lilburn*; Sir *Thomas Liddel* of *Ravensworth* in the County of *Durham; Timothy Whittingham* of *Holmside* in the County of *Durham* Esq. the Mayor of *Durham* for the time being; *Anthony Smith* Alderman of *Durham*; *John Middleton* of *Darlington* in the County of *Durham; Gilbert Marshall* of *Houghall* in the County of *Durham*; *Samuel Hammond* of *Newcastle* upon *Tyne* Minister of the Gospel; *Henry Leaver* of *Branspeth* in the County of *Durham*; & *Thomas Trewren* of *Ovingham* in the County of *Northumberland*; to be constant Visitors of the said College. And that the other Visitors before named shall have, hold, and enjoy their Places of Visitors of the said College, for *two* Years and no longer.

AND

16. AND the said Visitors for the time being, or any *nine* or more of them (whereof *five* of the constant Visitors to be of the *Quorum*) calling from time to time to their assistance a Civil Lawyer or Public Notary, shall have full power and authority, by vertue of these Presents, to visit the said College and School, and from time to time to order, reform and redress Disorders and Abuses in and touching the Government of the said College and the School aforesaid; and further to censure, suspend, deprive, expel and remove for Misgovernment or Misdemeanors, the Master or Provost, Senior Fellows, Fellows, Professors, Tutors, Scholars and Exhibitioners of the said College, and the Schoolmasters, Ushers, Exhibitioners and Scholars of the said School in *Durham*, and other Members, Servants, and Officers of the said College and School in *Durham* for the time being according to the Statutes, Orders and Ordinances of the said College and according to the Statutes Wills and Testements, or other Dispositions of the Founders and Benefactors of the said College and School hereafter to be made respectively, so that no Visitation, Act, or Thing, in or touching the same, be had or done, otherwise than with the consent or assent of *Six* of the said *Nine* Visitors at least assembled in the College Hall or School by them visited: And We will that their Sentence and Statutes, Order and Orders, be entred or recorded by the said Public Notary in a Book to be kept by them the said Visitors for that purpose; and that the same shall be subscribed with the hands of them, or of the greater part of the said nine Visitors, so met and consenting as aforesaid: And that they the said Visitors of the said College and School for the time being, or any *nine* or more of them, shall from time to time have power, and are hereby authorised, at any time or times hereafter, to elect and choose

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a new constant Visitor and Visitors, or any other Visitor or Visitors so often and from time to time as any of the said Visitors shall happen to die, or to relinquish and leave their Places, or be removed therefrom; and that they the said Visitors and the Master or Provost of the said College for the time being, or any of them, may give an Oath to any Person or Persons, touching the Premisses, so often as occasion shall require.

17. AND our Will is, and We do hereby further, for Us and our Successors, grant and ordain, that when and as often as the said Visitors, or other Person or Person (to whom the Nomination, Election, Approbation, and Admission of any of the aforesaid Visitors, Master or Provost, Senior Fellows, Tutors, Scholars or Exhibitioners of the said College or any of them, or of the Register, Public Notary or other Officer or Officers, of the said College, doth or shall belong) according to the true intent and meaning of these Presents or of the Statutes of the said College by us or our Authority already made or hereafter to be made, do or shall neglect or omit to make Election of fit Persons to the said places of Mastership, Fellowship, Scholarship, or other places or Offices within the said College during the space of *Three* Months, from the time of Vacancy of any of the said Places; that then and so often it shall and may be lawfull for the Master or Provost and Fellows of the said College for the time being, or the greater number of them, to elect into the said Places so being void by the space of three Months as aforesaid, such Person or Persons as to them shall seem most meet and best agreeing to the said Statutes of the said College, to the end the said Places so void may be full, and to admit such Person or Persons by them so elected into the said Places respectively, which said Person

or

or Persons so elected, shall enjoy the said Place or Places, and be invested with the Profits, Rights and Privileges thereof, as absolutely as if he or they had been chosen by the said Visitors or other the Electors as aforesaid.

18. AND further We will, and by these Presents for Us and our Successors, do grant and ordain, that if any Difference, Debate or Controversy touching the Premisses shall at any time hereafter arise between the said Visitors and the Master or Provost, Fellows and Scholars of the said College, or any of them; that then, upon Complaint made to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *England* for the time being, they shall have full Power and Authority, by vertue of these Presents, to hear the said Complaints, Dissentions, and Controversies, and to compose, decide, order, and determine the same, as to them in their Judgments and Wisdoms shall seem just and fit; and such Order and Determination of the same, as they shall set down in writing, under their Hands and Seals, shall stand and be observed.

19, AND our Will is, and We do hereby further grant & ordain for Us and our Successors, that the said Master or Provost, Senior Fellows and Visitors of the said College for the time being, or any *Twelve* or more of them, shall have Power, and are hereby authorised, from time to time to compose, set down, prescribe and make such Orders, Rules, Statutes and Ordinances, for the better ordering Government and good Rule of the said College, and of the Master or Provost, Senior-Fellows, Fellows, Professors, Tutors, Schoolmasters, Exhibitioners and Students of the said College; and for the ordering, Government and good Rule of the Schoolmaster, Ushers, Exhibitioners and Scholars of the said Free School at *Durham*, as to them

them shall seem meet and convenient; so as the said Statutes, Ordinances, Rules and Orders by them made, be not repugnant or contrary to the Laws and Statutes of this Commonwealth, nor to any Statute, Ordinance, or Order, which hath been made, or hereafter shall be made by Us and our Successors, or by our Councel, for the good Government of the said College and School, nor to any Clause or Clauses of these Presents, nor contrary to the last Wills or Testements, or other Settlements of any that shall be Founders or Benefactors of the said College or School.

20. AND our Will is, and We do by these Presents for Us and our Successors, further grant to them the said Master or Provost, Fellows and Scholars of the said College, and to their Successors, that by vertue of these presents, they shall and may from time to time set up, keep and maintain a Printing-Press & a Rowling-Press in the said College or City of *Durham*, by themselves or Servants there or any of their Deputy or Deputys; and to buy Paper, Iron, Tin, Letters, and all other things thereunto or to any part of the Printer's Work, Trade or Mistery, necessary and convenient; and to do every thing and things necessary to so profitable a Work: Which said Printing and Rowling-Presses shall be free and exonerated and discharged of and from all Customs and Impositions whatsoever, of, for and concerning the same; and that the said Master or Provost, Fellows and Scholars of the said College for the time being and their Successors, may from time to time, print or cause to be printed, Bibles of all or any kind of Volumes, and may license other Books to the Press: Saving unto all and singular other Person and Persons whatsoever, their several and respective Rights and Privileges for printing Bibles and licensing Books: It being our true intent and meaning

meaning that nothing in these Presents contained, shall any ways prejudice any such Person or Persons, but that they shall have and enjoy their said respective rights, as amply as they could or might have done before the granting of these our Letters Patent, any thing herein contained to the contrary nothwithstanding; and the said Master or Provost, and Senior Fellows of the said College, for the time being, or any *Two* of them, shall from time to time have like power and liberty to license any Work or Works, Book or Books, to the Press, as any Licenser or Licensers in the City of London or elsewhere in our Dominions have had, or might enjoy by vertue of any Order or Ordinance of Parliament, or any order of our Councel, or by any other power and authority from Us derived or deriveable may or ought to have hold or enjoy: And We Will, that no Printer or Printers, Stationer or Stationers, Merchant or Merchants, shall at at any time hereafter imprint, or cause to be imprinted, any Work or Works, Book or Books, Taledeux or Taledeuxes, or to import being elsewhere printed, any such formerly printed by the said College or their said Deputys, on the Penalty provided for such as contemn our Authority, or the Authority of our Councel.

21. AND our Will is, and We do farther by these Presents, for Us and our Successors; give and grant unto the said Master or Provost, Fellows and Scholars of the said College and their Successors, that they nor any of them, nor any of the Professors, Schoolmasters Students, Scholars or Exhibitioners of the said College, nor any of their constant and ordinary Officers, Servants or Ministers, or any of them, so long as they continue in any Office, Place or Service, in or belonging to them the said Master or Provost, Fellows or Scholars of the said College or their Successors, shall at any time hereafter,

be

be compelled by any justices of the Peace, Constables, or any other Officers, to do, perform or execute, in their own proper Person, or any of their proper Persons, or by any other Person or Persons, any Watching, Warding or Mustering, or any Hue and Cry; or be elected or appointed to any Office of Mayor, Sheriff, Bailiff, Constable, Tythingman, Bursholder, Minister, Steward, Serjeant, Marshal, Church-warden, Sidesman, Overseer of the Poor, Surveyor of the Highways, Scavenger, or any other such like Office whatsoever, or or to make any Suite at any Sheriff's Hundred or Lasts of Hundreds, or to serve on any Jury or Jurys or Grand Inquests.

22. AND our Will is, and We do further by these Presents of our especial Grace and Bounty, and of our mere motion and certain Knowledge, for Us and our Successors, give and grant unto the said Master or Provost, Fellows and Scholars of the said College, and their Successors, that they are and shall be now and at all times for ever hereafter exempt, exonerated, discharged and acquitted, of and from the Payment of all Taxes, Customs, and other Duties whatsoever; and that the Horses of the said Master or Provost, Senior Fellows, Professors, Tutors, and Fellows of the said College, shall not be taken to ride Post.

23. AND LASTLY, We do by these Presents grant unto the said Master or Provost, Fellows and Scholars of the said College; that they shall have these our Letters Patents in due manner made and sealed, with our Great Seal of *England*, without Fine or Fee, great or Small, to be therefore paid to Us in our Hanaper or elsewhere to our Use. IN WITNESS whereof We have caused these our Letters to be made Patents. WITNESS Ourself at *Westminster* the *Fifteenth* Day of *May* in the Year of our Lord 1657. *By Writ of Privy Seal.*

BEALE.

*** The Original is in the Dean and Chapters Library at Durham, wrote on Vellum, and beautifully illuminated with OLIVER'S Picture, Arms, and several emblematical Designs.

AN

ASSIZE

To be held at DURHAM *on the 11th. of August* 1651.

(*From* Scobel's *Collection of Acts during* Oliver Cromwell's *Usurpation, p.*154)

BE it enacted by Authority of Parliament, and it is hereby ordained & appointed, That a Sessions for the *County of Durham* shall be holden and kept at the *City of Durham* in the said County, upon the *Eleventh* day of *August* now next coming, being in this present Year *One Thousand Six Hundred Fifty & One*, & that *Francis Thorp* one of the Barons of the Public Exchequer, and *John Parker* Serjeant at Law shall be Justices of the said Sessions for the said County, and that all Actions, as well Real as Personal, and all other Actions mixt or otherwise and all Pleas, Precepts, Writs, Process, Demurrers, Recognizances, Fines, Recoveries, and all other Proceedings, Matters and Things which were depending in the Court of Pleas at *Durham*, upon the 22. day of *August* 1642, or at any time since, and are now discontinued and put without day, by not coming of the Justices, shall be, and stand revived, recontinued and of as full force and effect in Law, to all intents and purposes as they were were the said 22*d.* of *August* 1642, or at any time since; And that all Process, Pleas, Demurrers and Proceedings in every such Action or Actions, Suites, Bills or Plaints, which were depending upon the said 22*d. August* 1642, or at any time since shall stand good and effectual, and be proceeded in and sued forth, in such manner and form, and be in the same plight, estate, condition and order, as if the same discontinuance, obstruction or hindrance

hindrance had never happened; any discontinuance, miscontinuance, putting without day or not prosecuting of the same, to the contrary notwithstanding.

AND that the said Justices so assigned or one of them, after such time as they shall have the Records of the same Pleas and Process before them, shall have full power and authority to continue the said Pleas, Process, and all things that depend upon them, and to hear and finally to determine thereupon, according as any other Justice or Justices of any Sessions heretofore held at *Durham*, before the said 22*d.* day of *August* 1642, might or ought to have done, in case there had not been any obstruction, discontinuances, or not coming of the said Justices as aforesaid.

AND be it further enacted, that in all Actions now depending in the Court of Exchequer at *Westminster*, for any Matter or Cause ariseing within the said County of *Durham*, and now at Issue, or which shall be brought to Issue, before the said 11*th.* of *August* 1651, the tenor of the Record thereof shall be sent by Mittimus, directed to the said Justices of the said County of *Durham*, to be there tried according to the Law, and further to be proceeded in as the Law requires: And likewise that all Writs and Process which have since the said 22*d.* of *August* 1642, issued forth out of the several Courts of Upper Bench and Common Pleas at *Westminster*, directed to the Sheriff of the County of Durham, and all other Returns and other Proceedings thereupon, shall be as good and effectual in Law to all intents and purposes, as any the like Writs and Processes directed to other Sheriffs of any other Counties of England, and Returns and other Proceedings thereupon are and ought to be; and that such further Process, Proceeding, Trial, Judgment and Execution may be had thereupon, as in other Counties upon like Writs, Process and Actions.

AND

AND that they the aforesaid assigned Justices or either of them, shall likewise hear and determine all and all manner of Treasons, Petty Treason, Murders, Manslaughters, Felonies, Burglaries, Rapes, Trespasses, Riots, Routs, Unlawful Assemblies, and all other Offences and Injuries whatsoever, tryable, done or committed, by any Person or Persons whatsoever within the said County of *Durham*, against the Statutes and Laws of this Nation, in such cases made and provided.

AND also to make or cause to be made a Goal Delivery there. according to the Law and Custom of England; and that the said Justices shall act, do, and perform all other Matters and Things, in such manner and form as any other Justice or Justices of Assize, or other Justice at *Durham*, and of the Pleas of the Crown, Common Pleas, and other Pleas, have usually and respectively acted, done and performed at any time heretofore: And the Lords Commissioners appointed for the Custody of the Great Seal of England, are hereby required and authorized to issue forth to the said assigned Justices of Assize and Goal Delivery, for the execution of the Premisses, such Commission or Commissions, as in such cases into other Counties of England are now issued; and commanding and enjoining likewise the Sheriff of the said County of *Durham*, that he cause forthwith Proclamation and Notice to be given in all Places within the said County, as well within the Liberties as without, to all Earls, Barons, Knights, Justices, Mayors, Bailiffs, Stewards, Officers, Ministers, and other Persons whatsoever, dwelling and residing within the said County, having any thing to do at the same Sessions; that they then and there attend upon the said Justices, and be in all things requisite to them aiding and assisting.

AND it is further Enacted, Ordained, and Declared by the Authority

thority aforesaid, That as well all such Fines and Common Recoveries of any Manors, Lands, Tenements or Hereditaments, lying or being within the said County of *Durham*, as were taken before the Justices of Assize, or either of them, at the last Assizes holden at *Durham* aforesaid, the 12*th*. day of *August* 1650, or at any other time or times before the said Assizes, since the said 22*d*. day of *August* 1642, or which have been, or hereafter shall be taken or acknowledged at the said Assizes, so by this Act appointed to be holden at *Durham* as aforesaid, or which shall be taken or acknowledged by virtue of any Commission directed to any Judge of either Bench, Barons of the Exchequer, Serjeant at Law, and other special Commissioners according to the accustomed manner of taking Fines and Recoveries of Lands lying in any other County within the Common-wealth of England, shall be ordered, e ntred, ingrossed, and otherwise proceeded in for perfecting thereof, in the Court of Common Pleas at *Westminster*, and in such Offices and Places, and in such manner and forms, and by and before such Officers, as other Fines and Recoveries respectively taken of or for Lands, Tenements and other Hereditaments, lying within the Counties of *Monmouth* and *Hereford*, or any other County or Counties in England, which are not, or have not been *Counties Palatine*, are and have been usually entred, enrolled, ingrossed, ordered, and otherwise proceeded in.

AND that all Writs of Covenant, Writs of Entry, and Dedimus Potestatem's to take the Captions or Acknowledgments of Fines and Warrants of Attorney for Recoveries within the said County of *Durham*, shall be issued and made by the present Cursitor of the said County of *Monmouth* and *Hereford*, who his already sworn and admitted Cursitor for the County of *Durham*, by the Lords Commissioners of the Great Seal, in as full and ample manner and form as any Writs of

the

the like nature are or have been heretofore usually issued and made by any of the Cursitors of the Chancery of England, in any other of the Counties of England.

AND it is further Enacted and Ordained that the several Officer and Officers of the several and respective Offices and Places aforesaid, shall receive and take the said Fines, Recoveries, and all Writs, and other Writings and Immuniments concerning the same, without exacting or taking any reward for, or duty for any *Post-diem* or *Post-terminum* thereof; which Fine and Fines, and all and every Recovery and Recoveries heretofore levied or suffered, or hereafter to be levied and suffered of any Honors, Manors, Lands, Tenements or Hereditaments, lying or being within the said County of *Durham*, in manner and form aforesaid, or hereafter passed in the Court of Common Pleas at *Westminster*, of any Lands or Tenements in the said County, shall be of the same and the like force, strength and effect in Law, to all intents, constructions and purposes, as any other Fine or Fines levied, and Common Recoveries suffered in the said Court of Common Pleas at *Westminster*, of Lands lying in any other County are or is; any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Exemplification of a FINE *of Lands at* Hurworth *in the County of* Durham, *levied in the Court of Common Pleas at Westminster in the time of* Oliver Cromwell Lord Protector *of* England *&c.* 1656.

OLIVER Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions thereto belonging.

TO all to whom these Presents shall come Greeting. KNOW Yee that among

among the Records and Feete of Fines with Proclamations thereupon made before the Justices of the Common Bench at *Westminster*, according to the forme of the Statute in that case made & provided in the Terme of St. Hillary in the Yeare of our Lord One thousand six hundred fifty six, it is thus contayned: DURHAM, This is the finall Agreement made in the Court of the Common Bench att *Westminster* in eight dayes of St. Hillary in the Yeare of our Lord One thousand six hundred fifty six, Before *Oliver St. John, Edward Atkyns, Mathew Hale* & *Hugh Wyndham* Justices & others then & there present, BETWEENE *John Howe* Plaintiff, & *Henry Jones* & *Katherine* his Wife Deforceants, OF one Oxehouse, tenn Acres of Land tenn Acres of Meadow, & twenty Acres of Pasture with the Appurtenances in HURWORTH *upon Tease*, Whereupon a Plea of Covenant was summoned between them in the said Court, that is to say, that the aforesaid *Henry* & *Katherine* have acknowledged the aforesaid Tenements with the Appurtenances to be the right of him the said *John*, as those which the said *John* hath of the guift of the aforesaid *Henry* & *Katherine*, And those they have remised and quite-claimed from them the said *Henry* & *Katherine* & their Heires to the aforesaid *John* & his Heires for ever. AND MOREOVER the said *Henry* & *Katherine* have granted for them & the Heirs of the said *Henry* that they will warrant to the aforesaid *John* & his Heires the aforesaid Tenements with the Appurtenances against all Men for ever, And for this acknowledgment, remise, quiteclaime, warrant, fine & agreement the said *John* hath given to the aforesaid *Henry* & *Katherine* Sixty Pounds Sterling IN TESTIMONY whereof Wee have caused our Seale deputed for the sealing of Writtes in the Court aforesaid unto these Presents to be affixed, WITNESS *O. St. John* att *Westminster* the XVIIIth. day of *January* in the Yeare abovesaid.

DRAKE

VOL. XIII. 30. CAR. 2. 20 *March*, 1677.

Forster and others *versus* Armorer and others.

UPON reading the Petition * of *John Forster* Esquire, *Robert Clarke*, *George Clarke*, and others, being an Appeal from a Decree made by Sir *John Otway*, the present Chancellor of the Court of Chancery for the County Palatine of *Durham*, on the Behalf of *Thomas Armorer*, *Jane Pringle*. *Bryan Grey*, and others, concerning some Estates settled by *Thomas Carr* Esquire, deceased, Lord of the Manor of *Cornehill* in the said County of *Durham*, and other Matters in the said Petition set forth, and praying that they may be relieved by this House against the said Decree.

It is ORDERED, by the Lords Spiritual and Temporal in Parliament assembled, That this House will hear Counsel at the Bar, upon the said Petition, on *Wednesday* the Tenth of *April* next, at Ten of the Clock in the Forenoon; whereof the Petitioners or some of them are to cause timely Notice to be given to the said *Thomas Armorer*, *Jane Pringle*, *Bryan Grey*, and *Elizabeth* his Wife, in the said Petition mentioned, who may have a Copy of the said Petition, and be heard by Counsel also to make their Defence at the Time aforesaid; and further, that all Proceedings to be had upon the said Decree complained of, be stayed till the further Order of this House be declared thereupon. p. 190.

* *The Petition is not set forth in the Journals.*

Note. Sir John Otway Knight one of the Kings Counsel, was appointed by King Charles 2. 16 *September* 1673 *Chancellor and Keeper of the Great Seal of the County Palatine of Durham; the See being then Vacant.*

1675 *September* 10. *The See being full, he was Appointed Chancellor of the County Palatine of Durham, by Bishop Crew. He died* 15 *October* 1693 *at Inglemire Hall in the Parish of Sedberge in Westmoreland Aged* 75.

See his Epitaph, Burns History of Westmoreland. p. 259.

15 *April*, 1678.

Forster and others *versus* Armorer and others.

Whereas this House had appointed to hear Counsel, on the Tenth Instant, upon the Petition of *John Forster* Esquire, *Robert Clarke*, *George Clarke* and, others, being an Appeal made from a Decree of the Court of Chancery for the County Palatine of *Durham*, made on behalf of *Thomas Armorer*, *Jane Pringle*, and others, concerning some Estates settled by *Thomas Carr* Esquire, deceased, Lord of the Manor of *Cornhill*, in the said County Palatine, and other Matters in the said Petition set forth.

It is this Day Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That this House will hear Counsel, at the Bar, upon the said Petition, on *Thursday* the second Day of *May* next, at Ten of the Clock in the Forenoon; whereof the Petitioners are to cause timely Notice to be given to the said *Thomas Armorer*, *Jane Pringle*, and other Persons concerned, or their Agent in the said Cause. p. 204.

10 *May*, 1678.

Forster and others *versus* Armorer and others.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That this House will hear Counsel, at the Bar, upon the Petition of *John Forster* Esquire, *Robert Clarke*, *George Clarke*, and others, being an Appeal from a Decree of the Court of Chancery, for the County Palatine of *Durham*, made on the Behalf of *Thomas Armorer*, *Jane Pringle*, and others, concerning some Estates settled by *Thomas Carr* Esquire, deceased, Lord of the Manor of *Cornhill*, in the said County Palatine, and other Matters in the said Petition, contained, on *Friday* the 17th. Instant *May*, at Ten of the Clock in the Forenoon; whereof the Petitioners are to cause timely Notice to be given to the said *Thomas Armorer*, *Jane Pringle*, and other Persons concerned, or their Agent in the said Cause. p. 217.

Forster

EXTRACTS *from Journals of the* HOUSE *of* LORDS.

23 *May*, 1678.

Forster and others *versus* Armorer and others.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That this House will hear Counsel, at the Bar, upon the Petition of *John Forster* Esquire *Robert Clarke*, *George Clarke*, and others, depending in this House, against *Thomas Armorer*, *Jane Pringle*, and others, concerning some Estates settled by *Thomas Carr* Esquire, deceased, Lord of the Manor of *Cornhill*, in the County Palatine of *Durham*, and other Matters in the said Petition contained, on *Tuesday* the 28th. Day of this Instant *May*, at Ten of the Clock in the Forenoon; whereof the Petitioners are to cause timely Notice to be given to the said *Thomas Armorer*, *Jane Pringle*, and other Persons concerned, or their Agent in the said Cause. p. 225

30. Car. 2. 30 *May*, 1678

Forster and others *versus* Armorer and others.

Upon hearing Counsel this Day, at the Bar, upon the Petition of *John Forster* Esquire, *Robert Clarke*, *George Clarke*, and others, being an Appeal from a Decree made by Sir *John Otway*, the present Chancellor of the Court of Chancery for the County Palatine of *Durham*, on the behalf of *Thomas Armorer*, *Jane Pringle*, *Bryan Grey*, and others, concerning some Estates settled by *Thomas Carr* Esquire, deceased, Lord of the Manor of *Cornhill*, in the said County Palatine, and other Matters in the said Petition set forth; as also the Counsel of the said *Thomas Armorer*, *Jane Pringle*, *Bryan Grey*, and other Persons in the said Decree concerned, for Defence and Maintenance thereof.

After due Consideration had of what was offered on either Part concerning the said Decree; it is Ordered and adjudged, by the Lords Spiritual and Temporal in Parliament assembled, That the said Decree, made by Sir *John Otway*, on the Behalf of the said *Thomas Armorer*, *Jane Pringle*, *Bryan Grey*, and others, as aforesaid, be and is hereby, reversed. p. 233.

RULES AND ORDERS

To be observed in Actions and Proceedings in the Court of the County of DURHAM.

Concerning the Bailiffs.

THAT the Bailiff of the City of Durham for the time being, and the Bailiffs of the several Wards within this County, *shall not employ any Person or Persons as his or their Deputy or Deputies, before he or they be first approved by the Sheriff*, and sworn for the due Execution of their Office, and his and their Names entered in the Sheriff's County Office; and every Bailiff employing any Deputy contrary to this Order, to loose his Place.

THAT all the Bailiffs and their Deputies *do appear in Court every County Day to make return of the Process to them directed* (viz.) at the 8th hour in the forenoon between Ladyday and Michaelmas, and the 9th. hour between Michaelmas and Ladyday, upon pain of being amerced *thirteen Shillings and fourpence* for every default of each Bailiff, and *Six Shillings and eightpence* for the default of every Deputy: and that they depart not the Court before they have respectively returned all their Writs and Process, and upon Jury days, not before the Jury go out.

THAT no Bailiff or their Deputies respectively *refuse or neglect to use their endeavours in the execution of any Process Writs or Warrants to them delivered* against any Person or Persons within their respective Wards *for the due and accustomed Fee only*, without demanding or taking any other or greater Reward upon pain of being prohibited the execution of any more Process for Six Months, or absolutely turned out of the Office as the Offence shall be.

THAT no Bailiffs shall presume *to take any Attorneys Fee* of any Person or Persons whatsoever, in any suit in the County Court, where the Bailiff himself takes out the Writs; upon pain of being amerced *Thirteen Shillings and fourpence* for each Offence.

Concerning fileing Declarations.

THAT *no Cause to be tried, unless the Declaration be filed in Court the Saturday sennight before the day of Trial,* that the Defendant may have convenient notice & time to prepare himself, and have his Witnesses ready.

Returns of London Writs.

THAT the Bailiff of the Sheriff of Durham, and all other Bailiffs in the County, *do make return of all Writs coming from his Majesties Courts at Westminster, into the Sheriffs Court upon the very day of the return of the Writ,* upon pain of forfeiting their Bonds, and loosing their Places.

I do require and enjoin the due Observation of the abovesaid Orders.

Tho: Davison Sheriff

ADDITIONAL ORDERS *and* RULES *for the* County Court *at* Durham *made and settled in full Court by the consent of the Practisers there, the* 14*th day of February* 1675.

THAT the three first Orders which concerned the Attorney and Bailiffs *for payment of Impost for every Defendants Appearance to his Majesty Charles the second,* by late Act of Parliament is expired and determined.

THAT *no Bail Bond be put in Suit, or assigned or delivered out of Court, untill sufficient cause of Bail shall appear to the Clerk of the Court by a Declaration produced and left in the said Office, eight days at least before* whereof the adverse party or his Attorney, or Clerk, shall have four days notice; unless Bail be required, and such Declaration filed in open Court at the return of the Writ, and then the Defendant or his Attorney to take notice thereof at their peril.

THAT no *Imparlance* shall be expired or ended, untill the Court day after the Original Declaration shall actually be delivered or filed in the Office.

THAT

THAT no Attorney *do sue out any Venire facias, until the Declaration therein be actually filed in the Office*, and in default of such Attorney, to pay the party grieved his or their Costs thereby occasioned, to be sett by the Court.

Jo: Spearman Sub. Vic.

THAT the Bailiffs do give *Notice of Trials upon Venire facias before the Thursday in the next Week before the day of Trial, or otherwise the Cause not to be heard.*

AN ORDER lately made, that *no Bail Bonds shall be delivered out of the County Court to be sued, without a special Motion of the Plaintiffs Attorney* employed in the Cause to Mr. Sheriff *in open Court* in that behalf, and Mr. Sheriffs Order to that purpose thereupon made, and thereupon accordingly entered in the Book of Orders kept for that and other purposes relating to the County Court at Durham.

AN ORDER or standing Rule, that no person being *a Prisoner in Goal upon mean Process* awarded, out of the County Court for Debt, *may at any Court*, or at any time between one Court day and another, by his Attorney, *enter and give a Rule in Court, for the Plaintiff* by his Attorney *to declare against the Defendant* in the Cause, *within four days after the entry thereof, or otherwise for want of a Declaration*, to be filed in Court accordingly, the *Defendant to be discharged* of course of his Imprisonment, by an Order from the Clerk of the County Court to the Gaoler for that purpose in that behalf thereupon made.

At the County Court holden at Durham for the said County on Monday the second day of December in the first Year of the Reign of our Sovereign Lord and Lady William and Mary by the Grace of God of England and so forth King and Queen Defenders of the Faith and so forth, Annoque Domini 1689, *before the Honourable* Charles Montague, *High Sheriff of the said County.*

ORDERED by the said Court for the better execution of Justice, and for preventing of vexatious charges and delays of the Suitors of the said Court as follows,

That all the *Sheriffs Bailiffs* and their Deputy's *shall personally attend in Court, to make returns of their process, and to answer Opposalls thereupon,* every Court day before *nine* o'Clock before Noon in Summer, and *ten* in Winter, unless dispensed with by the Sheriff, or sufficient cause of excuse appear to the Court upon Oath; and shall not depart without Licence while the Court sits, under the Penalty of *Six Shilings and Eightpence* for every default for every Chief Bailiff and *three Shillings and fourpence* for every Deputy; and no Process shall be granted to any such Offenders, untill such pain be cleared.

THAT no chief Bailiff presume *to employ any Deputy to execute any Process before such Deputy be allowed by the Sheriff* or Under Sheriff, and be also sworn for the due execution of his Office, and his Name entered with the Under Sheriff or his Clerk, under pain of forfeiture the chief Bailiffs Office offending herein, unless it be only in assistance of himself, personally present, in executing the said Office, and not otherwise: And all such Bailiffs and their Securitys, shall be answerable for the Acts Misdemeanours and Defaults of such Assistants.

THAT no Bailiff or his Deputy *shall refuse to accept any Legal Warrant or Precept to him directed* against any Person whomsoever within his Ward or View, *upon payment or tendering of the usual accustomed Fore-fee* thereupon due, but shall do his duty in and about the execution and returning thereof with all diligence for the said Fee; and if he accept

accept such Warrant or Precept upon credit or promise for his Fee, he shall nevertheless execute and return the same without delay, *upon pain of being supended his Office for three Months, or finally discharged as the Offence shall be.*

THAT *no Bailiff nor deputy Bailiff presume to take any Attorneys fee* upon any Plaint or Process sued out by himself or his Order without an Attorney, upon pain of loosing his place, *nor shall divide an entire Cause of Action into diverse Plaints, nor curry away Clients from his proper Attorney,* under the like Penalty abovesaid.

THAT *no Bailiff* or Deputy Bailiff, *shall* by himself or any other, *put in date, or renew any Process whatsoever of this Court, nor accept or execute any such Process renewed or put in date, other than such as shall be fairly renewed and done by the County Clerk, or his Deputy or proper Clerk, without Raizure or Interlineation,* under the pain of *Six Shillings and eight pence* for every Offence: And for the better Observance hereof, and for preventing fraud and foul practice therein, the County Clerk shall enter all renewed Process in a distinct Book or Books, & all Precepts or Process shall be returned back to him, and filed up in his Office at the return thereof.

THAT *all Bailiffs* or Deputys *shall take a Warrant of Attorney in writing under the Partys hands for every Appearance,* dated at the time of taking thereof, and shall deliver the same at the return of the Process to the proper Attorney or his Clerk, and shall keep a Book of Entrys of the Attorney's name, and the time of the delivery thereof to him; *whereupon such Attorney shall without delay, cause his Appearance to be actually entered in the Court Roll* under the Penalty of such Bailiffs, Deputys, or Attorneys respectively answering all the Costs and Damages of the adverse Party, which shall be sustained by the delay or default thereof.

THAT *no Bail Bond shall be taken upon any process of this Court, but where the true Principal Debt or true cause of Action shall exceed Forty Shillings*

lings, or otherwise justly require it, by the Defendants absconding and removing out of this County, or upon other reasonable cause to be allowed by this Court. Also that *all the Bail Bonds shall actually be returned into Court at the day of Appearance*, and there publickly called and filed with the Clerk or his Deputy, *and none to be delivered out or put in Suit, without express Order of Court to be made in open Court*, and then the Assignment thereof to be made by the County Clerk or his Deputy, and also noted under the Plaint with the time of its delivery out, upon pain of losing all the Costs accrued thereupon, and also answering all the Defendants Costs thereby occasioned, to be taxed by the said Officer.

THAT *no Warrant for Judgment shall be taken by any Bailiff* or Deputy, or other Officer of this Court, *in lieu of a Bail Bond*, for any Partys Appearance, or being a true Prisoner, upon pain of losing his Office, and answering all Damages thereby sustained to the Party grieved, and likewise all Judgments and Executions whatsoever grounded upon such Warrants, shall be discharged without Costs,

THAT *no Bailiff shall presume to keep any Prisoner in his House or elsewhere, out of the Common Goal, after the time of the return of the Process*, wherenpon such Prisoner shall be arrested *under pain of being supended three Months*, besides answering all Damages that shall ensue thereby.

THAT all *Copies of Declarations, Pleas, or other Pleadings*, which hereafter shall be left in the County Clerks Office for any County Attorney or others, *shall be marked by the County Clerk*, his Deputy, or some Clerk belonging to the said Office, *with the respective days of the delivery of such Copys* or otherwise the Attorney or Attorneys for the adverse party or parties, shall not be obliged to receive the same: And all Copies of pleadings hereafter to be delivered into the said Office, which shall not be so marked, shall be esteemed as if no Copies had been delivered.

THAT

THAT *if any Bailiff or Bailiffs neglect or delay to observe any Rule of this Court*, for return of any Process, Prisoner, or Goods, *no further Process shall be granted, until his Amerciament thereupon be clear, and the Rule performed.*

THAT *four days notice* be given at least to the Defendant or his Attorney *of the Execution of every Writ of Inquiry*, unless the same be executed on the day the Venire is returnable

Jo: Spearman Under Sheriff of Durham.

Court 27 *May* 1696.

ORDERED, that *the last day for the service of the Venire facias* be on *Thursday night next before the Jury day*, and the *Declarations delivered on the Thursday fortnight before such Juryday, or no Trial to be had.*

Court 8 *July* 1696.

ORDERED, that the time of *Notice for Trial, shall be given on or before the Friday night, before the Juryday*, and service after that time shall not be good, and this Rule settled, by the general consent of the Attorneys in open Court.

Court 25 *November* 1696.

ORDERED, that *all the Bailiffs* and Deputy Bailiffs *being in Durham, do attend the County Court every Court Day*, or to be dismissed; unless reasonable excuse be shewn to the Sheriff before hand, for their Excuse.

Court 11 *October* 1699.

ORDERED, that from hence forth every *Head Bailiff of every Ward*, do against every Juryday, *Summon Six freeholders* (who do not keep public houses) and that the *Head Bailiff of the City of Durham do*

do Summon Twelve Freeholders (none of them Alehouse-keepers) within the City and Suburbs thereof, *to serve as Jurors* at the County Court, under the pain of *Six Shillings and Eight-pence* for every Bailiff failing therein for each failure.

Charles Montague, Esqr. Sheriff
John Spearman Under Sheriff

Court 13 *June* 1716

ORDERED, that *all Declarations that shall be filed before Saturday night, be in time for Trial,* according to the standing Rule of this Court.

Mark Shafto Esq. Sheriff
John Shafto Under Sheriff

Court 8 *February* 1726.

IT is Ordered in full Court, that *where the Plaintiff shall name an Attorney by Affidavit of service of Process,* that the *Plaintiff's Attorney shall file a Copy of a Declaration in due time* in the Office; and in default thereof, the Plaintiff shall not proceed to Trial the next Jury day, in case the Defendant shall insist upon the non-delivery of such Copy.

Sir Wm. Williamson Baronet Sheriff
George Dixon Under Sheriff

Court 23 *June* 1731.

UPON Motion made this day by the Attornies, *to have all Copies of Declarations in this Court, as well above forty Shillings as under, writ at short;* It is hereby Ordered, that all Attorneys concerned for the Plaintiffs, shall and *may deliver unto the Defendants Attorney, a short Copy of*

of all such Declarations as shall be filed against them, and the same shall be taken as a true Copy thereof.

Court 30 *July* 1735

ORDERED, that all *Rules granted upon Petitions* in pursuance of the late Act of Parliament, intitled *An Act for relief of Debtors with respect to the Imprisonment of their persons, shall be personally served upon the Plaintiffs four days at least before the return of such Rules.*

Court 8 *February* 1737.

THAT the several Bailiffs following (to wit) *James Thompson, John York, Robert Furness,* and *John Steward,* having contrary to their duty, *neglected to attend the service of the Court on this Jury day,* the said Court for such their said Offence, hath thought fit *to fine them Five Shillings each.*

Court 26 *March* 1746.

IT is hereby Ordered that *if any Action* or Actions shall hereafter *be brought* in this Court, *by any person* or Persons *not living within the Jurisdiction thereof* that *the Plaintiff shall not be permitted to prosecute the same, untill some sufficient Person enter into a Rule of Court, to pay the Defendant or Defendants Costs of such suite,* to be taxed *in case* a *Verdict shall be given against such Plaintiff or Plaintiffs, or if he she or they shall be nonsuited.*

Court 23 *March* 1747.

It is hereby ordered by this Court by and at the request of the Attorneys and Practisers thereof; That in all Causes *where Appearances shall be entered by the Defendants themselves, Notice of Trial in Writing shall be given to the Attornies so appearing, six days before the Jury day,* and not to the Defendants themselves as heretofore; which shall for

for the future be deemed good service of the Venire facias to be issued out in each Cause to be tried there; And in all Causes *where appearances shall be entered for the Defendants by the Plaintiffs* on Affidavits made of the service on them served, *Notice of Trial* in writing *shall be given to the Defendants themselves*, or be left at the usual or last place of abode, six days before the Jury day, which shall also for the future be deem'd good service of the Venire facias to be issued against them.

Sir Wm. Williamson Baronet Sheriff

Court 30 *January* 1754.

ORDERED, that for the future, *all Rules* which shall be obtained either by the Plaintiff or Defendant in any Cause to be depending in this Court, *shall be served upon or before the Fryday next preceeding the Court day*, upon which such Rules are returnable, or the same shall not be deemed good Service.

Sir Hedworth Williamson Baronet Sheriff.

Court 28 *January* 1756.

ORDERED, that for the future, *no person* or Persons whomsoever *shall be made Special Bailiff* or Bailiffs *in any Capias* to be issued out of this Court *where the Debt* or Sum sworn due for such Capias *shall be ten Pounds or upwards*, nor in any *Execution* to be likewise issued out of this Court; where the Debt or Damages in such Execution shall amount to the like Sum of Ten Pounds or upwards.

Court 21 *April* 1756.

ORDERED, that for the future, *all Venire facias's* which shall be issued out of this Court, *shall be served upon or before the Wednesday then next preceeding such jury day*, as the said Venire facias's are returnable otherwise the same shall not be deemed good Service.

ORDERED

Court 5 *May* 1756.

ORDERED, that for the future, *a Return shall be made upon every Execution of Fieri facias* to be issued out of this Court, *before any Renew thereof* or other Execution shall issue out thereon.

Court 20 *October* 1756.

ORDERED, that for the future, *all Executions of Capias ad satisfaciendum* which are to charge such Defendants as shall be in Gaol, *shall be delivered to the Gaoler upon or before the Monday then next preceeding the return of such Capias*, otherwise such Defendants shall be discharged upon a common Appearance.

Court 26 *January* 1757.

ORDERED, for the future, that all *Bailiffs* whatsoever, *that shall take any Bail Bond* upon any writ to be issued out of this Court, *shall return such Bail Bond* to this Court, upon or *before the Court next after the return of such Writ*, otherwise such Bailiff or Bailiffs shall from that time stand suspended.

Court 14 *December* 1756.

ORDERED, that *no Execution shall for the future be issued out upon any Judgement* to be entered up in this Court, either up in Confession of Defendant or Defendants, or by virtue of any Warrant of Attorney, *untill an Affidavit be duly made and filed, setting forth the real Debt or Sum of money bona fide due and owing thereon, and to whom*, which Sum the Clerk of this Court or his Deputy, shall, and his hereby required to mark upon the back of such Execution, before the same shall be delivered to a Bailiff: And it is hereby Ordered, that this Rule or Order, shall be publickly fixed up in the County Clerks Office, to be taken Notice of by all parties concerned for the future

ORDERED

ORDERED, that *all persons* whomsoever, *that have any Authority or Deputation* from this Court *for taking Affidavits* of any kind, to be made use of by this Court, *shall return such Affidavits*, or send an account thereof to this Court, *within fourteen days* from the time of taking such Affidavits, otherwise such Affidavits will not be received.

Court 5 *September* 1759.

ORDERED, for the future, *all Executions of Capias ad satisfaciendum* which are to charge such Defendants as shall be in Gaol, *shall be delivered to the Gaoler upon or before the Wednesday next preceeding the return of such Capias*, otherwise such Defendants shall be discharged upon a common appearance. ☞*See Rule* 20 *October* 1756.

Court 14 *May* 1760.

ORDERED, that the County Clerk or his Deputy, shall for the future allow, *One Pound Thirteen Shillings and eleven-pence for the common Costs of entering up Judgement* in this Court, *by Warrant of Attorney, and suing out Execution thereon.*

Court 22 *June* 1763.

ORDERED, for the future, that *no Execution* issuing out of this Court, *where the Debt or Damages shall not exceed Forty Pounds, shall be directed to the Sheriffs Bailiffs generally, but to three of them in particular*

Court 6 *July* 1764.

ORDERED. that *Six-pence* shall be paid to the County Clerk *for every Rule of this Court*, for which nothing hath hitherto been paid, (except such as relate to Insolvents) and that a *fee of one Shilling and eight-pence* shall be allowed to the Attorney *on every such Rule* (except as aforesaid.)

ORDERED

Court 2 *January* 1765.

ORDERED, that for the future, all *Writs of Scire facias* to be hereafter issued out of this Court, *against the Bail* in any Action, *shall be made out six days at least before the return thereof*, otherwise the Bail shall not be charged with or affected thereby.

Court 3 *July* 1766

ORDERED, that for the future, *all Executions* whereupon the Sheriff shall have any Levy Money, *shall not be directed to three of the Bailiffs* as heretofore has been the custom, *but only to one singly.*

Court 28 *June* 1769 *Jury day.*

IT is Ordered, that this day, and for the future, *the Jury appointed for trying of Causes* in this Court, *shall be intitled to the Sum of one Shilling for every Cause;* and that the *County Clerk* shall have and receive *four-pence, for every Appearance, and Obtulit* entered by any Attorney of this Court, and also the Sum of *Six-pence* for the *Renewal of every Viva Voce Evidence;* and a fee of *one Shilling and Eight-pence* shall be allowed the *Attorney upon the Renewal of every Bailable Writ and Extract*, and that the parties in each cause shall have the same allowed in Costs accordingly.

Court 21 *March* 1770 *Jury day.*

IT is hereby ORDERED, that for the future, the following TABLE of FEES be allowed upon a Taxation of Costs in all Actions and Proceedings in this Court.

The

The Plaintiffs Costs in an Action for a Debt of 40s. & upwards.

	County Clerks Fees.	*Attorneys Fees.*
Drawing Warrant to prosecute — —	——	0 6
Drawing & ingrossing Affidavit of Plaintiffs demand	——	1 0
Swearing before deputy Sheriff or Commissioner —	——	1 0
Filing the Affidavit —— —— ——	1 0	——
Composition to the Bishop (*what is really paid*) —	——	——
To the Register of the Court of Chancery for every *Justicies, Questus, and Seal.* —— ——	2 6	——
Filing the same and Fee thereon. —— ——	0 4	3 4
Capias thereupon, and entering Plaint and Fee. —	1 0	1 8
For every Renewal thereof, and Fee. ——	0 6	1 8
For every Copy of a Capias to serve. ——	——	0 6
For service of the same. —— —— ——	——	2 10
To the *Bailiff* for Arrest, where Bail is given, when the Defendant lives within 5 Miles of such Bailiffs residence 5*s.* and if he lives above 5 Miles distant, what the County Cerk discretionally thinks fit.	——	——
To the *Bailiff*, for arresting Defendant and bringing him to Goal, and when arrested within 10 Miles of the City of Durham, 10*s.* 6d. ——	——	——
And where the Defendant is arrested above 10 Miles from Durham, what the County Clerk descretionarily thinks fit. —— —— ——	——	——
Drawing Affidavit of service of a Capias by Copy, swearing and filing —— ——	1 0	1 0

To

	County Clerks Fees.	*Attorneys Fees.*
To the Person making such Affidavit of service — ——		1 6
Entering Appearance for Defendant, according to the Statute, and fee —— ——	0 4	1 8
Rule to enter *Special Bail* and Fee —— ——	0 6	1 8
Copy and Service —— —— ——	——	1 0
Rule to assign Bail Bond and Fee ——	0 6	1 8
Assigning Bail Bond —— —— —	0 6	——
Drawing & ingrossing Indemnity to Sheriff upon having a Bail Bond assigned ——	——	1 0
Drawing & ingrossing *Declaration* or Bill & Copy not exceeding 8 sheets, each sheet 72 Words	——	5 0
And for every *Declaration* or Bill exceeding eight sheets, for each sheet —— ——	——	0 4
And for Copy to file in the Office, and Copy to deliver Defendant's Attorney, each per sheet	——	0 2
Filing the same —— —— ——	0 8	——
Rule to plead and Fee —— — ——	0 6	1 8
Copy and Service —— —— ——	——	1 0
Motion thereon and Rule for Judgment ——	0 6	1 8
Entering Judgment and Fee —— ——	2 0	1 8
Entering every general Replication and Fee	1 4	1 8
Venire facias and Fee —— —— ——	0 4	1 8
For every renewal thereof and Fee ——	0 4	1 8
Notice of Trial Copy and service —— ——	——	3 0
Taking Instructions for and drawing Brief, and examining Witnesses —— ——	——	3 4
Subpœna (for every Witness 4*d.*) and Fee thereon	0 4	1 8
Copy and service on each Witness ——	——	1 6

Allowing

	County Clerks Fees	*Attorneys Fees.*
Allowing and returning every Pone Loquelam and Procedendo, and Fee —— ——	4 4	1 8
To every Witness attending to give evidence at the Jury day, if they live in or within 5 Miles of the City of Durham 2*s* ———	——	——
If they live above 5 Miles distant therefrom 3*s*	——	——
And if they live out of the County, what the County Clerk discretionally thinks fit. -	——	——
Attending the Court, when the Cause is either tried, put of, or removed by the Defendant.	——	5 0
When the Plaintiff has Counsel, to such Counsel 5*s*. and the Attorney only ——	——	3 4
Calling Cause (if at Issue) and fee on Verdict —	0 6	1 8
To the Jury for every Verdict 1*s*. Bailiff 1*d*.	—	——
Drawing Bill of Costs, Copy, & attending Taxation	——	1 8
Taxing the same —— —— ——	0 6	——
For every Original Execution and Fee ——	0 8	1 8
For every Renewal thereof and Fee ——	0 4	1 8
To the Bailiff for his forefee —— ——	2 0	0 0

The Defendants Costs in the same Action.

Drawing Warrant to defend —— —— ——		0 6
Entering Appearance, or Obtulit and Fee —	0 4	1 8
Entering special Bail and Fee —— ——	1 6	3 4
Rule to declare and Fee —— - —	0 6	1 8

Copy

	County Clerks Fees	*Attorneys Fees.*
Copy and service		1 0
Motion thereon and Rule for Non-pross	0 6	1 8
Entering Non-pross and Fee	0 4	1 8
Fee on Copy of Declaration		1 8
Attending to take instructions to plead		1 8
Motion for leave to plead double, &c. and Rule	0 6	1 8
Entering Plea and Fee	1 4	1 8
Drawing every special Plea, the same allowed per sheet, as for Declarations in this kind of action		
Notice of sett-of, copy, and service		2 6
Taking Instructions for, and drawing Brief, and examining Witnesses		3 4
Subpœna (for every Witness 4*d.*) and fee on same	0 4	1 8
Copy and service on each		1 6
To every Witness attending to give Evidence on the part of Defendant, the same allowance as in the Plaintiff's Costs		
Attending the Court on Jury-day, after notice given, when the Cause is either tried or not proceeded in, or removed by Plaintiff		5 0
When Defendant has Counsel, to such Counsel 5*s.* and to Attorney only		3 4
Calling Cause	0 6	
Fee on Verdict when found for Defendant		1 8
To the Jury 1*s.* Bailiff 1*d.*		
For every Nonsuit and fee	1 4	1 8

Drawing

	County Clerks Fees.	*Attorneys Fees.*
Drawing bill of Costs, and fair copy, attending Taxation, taxing the same, Execution and Fees, the same allowance as in Plaintiffs Costs.	——	——

The Plaintiffs Costs in Replevin.

Drawing Warrant to prosecute ——	——		0	6
Attending to take, and drawing Instructions for Replevin —— ——	——		1	8
Replevin Bond, Warrant and Fee —	4	0	3	4
Distringas to enforce Defendant to appear and Fee	1	6	1	8
To Bailiff, for executing it 1*s.* 5*d.* ——	——		——	
To Bailiff keeping possession, 2*s.* per day	——		——	
And for all other Proceedings in Replevin the same Fees as Proceedings in the first named Action	——		——	
For allowing and returning every Recordari facias lo quelam and Fee ——	4	4	1	8

Defendants Costs in Replevin.

Drawing Warrant to defend ——	——		0	6
Entering Appearance, and Fee ——	0	4	3	4
For all other Proceedings, in defending this Action same fees as are allowed, in the like Proceedings, in defence of the first named Action	——		——	

The

The Plaintiff's Costs, in an Action by Capias, of 39*s.* 11*d.*

	County Clerks Fees.	*Attorneys Fees.*
For every Capias, and fee ——	1 3	1 8
For copy thereof, and service ——	——	1 0
For every Renewal thereof and copy ——	0 6	0 6
Drawing Affidavit of service, swearing and filing	1 0	1 0
To the Person making such Affidavit ——	——	1 6
Entering Appearance for Defendant, and Fee	0 4	1 8
Drawing and ingrossing every Declaration and Bill, and copies thereof ——	——	5 0
Filing the same —— ——	0 8	——
Rule to plead and fee —— ——	0 6	1 8
Copy thereof and service —— ——	——	1 0
Motion thereon and Rule for Judgment ——	0 6	1 8
Entering Judgment and fee ——	2 0	1 8
Entering every general Replication, and fee	1 4	1 8
For every Venire facias, and fee ——	0 4	1 8
For every Renewal thereof and fee ——	0 4	1 8
Notice of Trial, copy and service ——	——	3 0
Taking Instructions for, drawing Brief, and examining Witnesses ——	——	1 8
Subpœna (for every Witness 4*d.*) and fee thereon	0 4	1 8
Copy and service on each ——	——	1 6
To every Witness who attends to give Evidence at the Jury-day, if he lives in, or within five miles of *Durham* 2*s.* ——	——	——

And

	County Clerks Fees.	*Attorneys Fees.*
And if he lives above five miles distant therefrom, 3*s*——	——	——
Attending Court when the Cause is either tried or put off by Defendant ——	——	3 4
To Council (if any) 5*s* ——	0 6	1 8
To Jury 1*s*. Bailiff 1*d*. —— ——	——	——
Drawing Bill of Costs, fair Copy, taxing same, and attending Taxation ——	0 6	1 0
For every original Execution and fee ——	0 8	1 8
For every renewal thereof and fee ——	0 4	1 8
To the Bailiff, for his fore-fee 2*s*. ——	——	——

Defendant's Costs, in the last mentioned Action

Entering Appearance and fee ——	0 4	1 8
Rule to declare and fee —— ——	0 6	1 8
Copy and service thereof —— ——	——	1 0
Motion thereon, and rule for Non-pross ——	0 6	1 8
Entering Non-pros, and fee ——	0 4	1 8
Fee on copy of Declaration ——	——	1 8
Attending Defendant to take instructions for Plea ——	——	1 8
Motion for leave to plead double &c. and Rule	0 6	1 8
Drawing every special Plea, the same allowance as for Declaration that exceeds 8 sheets	——	——
Entering every plea, and fee —— ——	1 4	1 8
Notice of set off, copy, and service ——	——	2 0
Taking Instructions for, drawing Brief, and examining Witnesses —— ——	——	1 8

Subpœna

	County Clerks Fees,	*Attorneys Fees.*
Subpœna (for every Witness 4*d.*) and fee thereon	0 4	1 8
Copy and service on each ——	——	1 6
To every witness, on Defendant's part, same allowance as on the Plaintiff's part ——	——	——
Attending Court, when the Cause tried, or not brought on by Plaintiff, after notice given	——	3 4
To Counsel (if any) 5*s.* ——	——	——
Calling Cause and fee on Verdict, when found for Defendant —— ——	0 6	1 8
To Jury 1*s.* and Bailiff 1*d.* —— ——	——	——
Entering Non-suit, and fee ——	0 4	1 8
Bill of Costs, fair copy, taxing same, and attending taxation, —— ——	0 6	1 0
For every Execution and fee ——	0 8	1 8
For every renewal thereof, and fee ——	0 4	1 8
To the Bailiff for his fore-fee 2*s.* ——	——	——

Plaintiff's Costs, by Distringas, of 13*s.* 2*d.*

Distringas, and fee —— ——	0 4	1 8
Drawing notice to be left with Defendant, of his Goods being seized ——	——	0 6
To the Bailiff for executing Distringas and making schedule of goods 1*s.* 5*d.* ——	——	——
For every Extract and fee ——	0 6	1 8
To Bailiff, for selling Defendant's goods, by virtue thereof 2*s.* 6*d.* —— ——	——	——

Declaration

	County Clerks Fees.	*Attorne Fees.*
Declaration, Copy, and filing ——	0 4	2 6
Rule to plead, and fee —— ——	0 6	1 8
Copy and service —— —— ——	——	1 0
Entering Judgment for want of Plea, and fee	2 0	1 8
Venire and fee —— ——	0 4	1 8
Renewal thereof, and fee —— ——	0 4	1 8
Service thereof —— ——	——	2 0
Replication and fee —— ——	1 4	1 8
Attending Court, when Cause tried or put off by Defendant —— ——	——	3 4
Calling Cause, and fee on Verdict for Plaintiff	0 6	1 8
Jury 1*s.* Bailiff 1*d.* —— ——	——	——
To every Witness if he lives in *Durham*, or within 10 Miles of it 1*s.* and if above 10 Miles 2*s.*	——	——
For every original Execution and fee	0 8	1 8
For every renewal and fee —— —	0 4	1 8
Bill of Costs —— ——	——	0 2
Bailiff for his fore-fee 1*s.* —— ——	——	——

Defendant's Costs, in the last named Action.

Appearing for Defendant, and fee ——	0 4	1 8
Rule to declare, and fee —— ——	0 6	1 8
Copy and service —— ——	——	1 0
Motion thereon, and Rule for and entering Non-pros, and fee —— ——	0 10	1 8
Fee on copy of Declaration ——	——	1 8

Entering

	County Clerks Fees		*Attorneys Fees.*	
Entering Plea, and fee —— ——	1	4	1	8
Notice of sett off, copy, and service ——	——		1	0
Fee on Jury-day, when Cause is tried, or not brought on by Plaintiff, after notice of trial is given —— —— ——	——		3	4
Non suit, and fee —— —— ——	0	4	1	8
Calling Cause, and fee on Verdict, when found for Defendant —— ——	0	6	1	8
To every Witness, who attends to give Evidence on the part of Defendant, the same allowance as for the Plaintiff's Witnesses.	——		——	
Bill of Costs, Execution, Renewal, and Fees, the same as in the Plaintiff's Costs. ——	——		——	

Entering Judgment and suing out Execution, by Warrant of Attorney.

For Warrant to prosecute ——	——		0	6
Drawing and ingrossing Affidavit, of Plaintiff's demands —— ——	——		1	0
Swearing it before a Deputy-Sheriff or Commissioner, and filing —— ——	1	0	1	0
Composition to the *Bishop* of *Durham*, *(what is really paid)* —— ——	——		——	
To the Register of the Court of Chancery, for Justices and seal, 2*s.* 6*d.* ——	——		——	
Fee thereon —— ——	——		3	4
Drawing and ingrossing Declaration and filing	0	8	2	6

Entering

	County Clerks Fees.	*Attorneys Fees.*
Entering Appearance, and signing Judgment for Defendant	——	1 8
Entering Judgment, and fee	2 2	1 8
Bill of Costs, and attending taxation	——	1 8
Taxing the same	0 6	——
Execution and fee	0 8	1 8
Renewal thereof, and fee	0 4	1 8
Bailiff's fore-fee 2*s.*	——	——

Proceeding by Scire facias against the Bail.

First scire facias, and fee	1 0	1 8
Bailiff, executing and returning it, 1*s.* and fee	——	1 8
For the second scire facias, the like fee	——	——
Entering Judgment against the Bail, and fee	2 0	1 8
Drawing Bill of Costs, and taxing same	0 6	0 6
For every Execution, Renewal, Bailiff, and Fees, the same allowance as in the original Action	——	——
The same Costs on proceeding by scire facias, against or at the suit of executor or administrator and for reviving every Judgment, post diem et annum, mutatis, mutandis.	——	——
The County Clerk has for swearing every viva voce Evidence 4*d.*	——	——

N. B. All the forgoing fees are exclusive of the Stamp duties:

Court 27 *June* 1770.

WHEREAS great Inconveniences has often of late happened to the Attornies Practisers in this Court, by the *Bailiffs keeping Bail Bonds and Distringas's lying by them for several return days after the Writs were executed, and also by neglecting to make return of such Writs as they had not got executed:* It is therefore hereby Ordered, *that all Bailiffs of this Court do for the future make return of all Writs delivered to them to be executed at the return of the same,* (or at the next succeeding return day at the farthest,) to the Attorney concerned therein: And if they or any of them neglect to make such return as aforesaid, the Person so guilty, shall be suspended, if he be the Sheriffs Bailiff; and if he be a special Bailiff, he shall be excepted from serving any Writs to be issued out of this Court for the future.

Court 2 *October* 1771.

ORDERED, that for the future, *a proper return shall be made upon all bailable Capias's to be issued out of this Court before a Renex at shall be made of such Capias.*

WHEREAS great Inconvenience and unnecessary Expence has arisen to the Suitors of this Court, *by the Practisers thereof issuing out several Writs of Distringas for one and the same Debt,* and which method of proceeding ought to be discontinued as illegal and oppressive.

IT is therefore hereby Ordered, that for the future, *no more than one Writ of Distringas shall be issued at the same time by or at the Suit of any Person or Persons, against any Defendant or Defendants for one and the same cause of Action;* and that the Officer of this Court, do take special

special care to prevent such practice; *And that if more than one Writ shall be issued for one Debt, the party issuing the same shall pay to the Defendant or Defendants his her or their full Costs, and shall not be allowed to change the Plaint into one,* as has been heretofore the custom, and that this be made a Rule or Order of this Court, of which the Practisers are to take Notice.

At the County Court and Jury Day held at Durham *the* Twenty Eighth *Day of* October *in the Year of our Lord* 1772.

It is Ordered, at the request, and by the general consent of all the Attornies of this Court present here this day, for the greater ease and convenience of the Suitors of this Court; *that in all Causes, where Special Bail is acknowledged or entered out of Court,* in any Action now or here after to be depending in this Court, before the Sheriff, or any of his Deputies, *an Affidavit of Justification shall at the same time be made* before the said Sheriff or Deputies, *by the Persons who become Bail, shewing, that they are severally Householders within this County, and respectively worth the Sum for which special Bail is so given, after all their Debts are paid and satisfied, and exclusive of all Sums of Money for which they have become Bail or are otherwise bound for any other Person or Persons:* And that such Affidavit so made, being filed in the County Clerk's Office, with such Recognizance of Bail, shall hereafter be deemed a sufficient Justification of the Bail, without their being compelled to justify in open Court as heretofore: And it is further ordered, that the Sum of Three Shillings (exclusive of the Kings Duty) shall be allowed in Costs for every such Affidavit as follows, One Shilling to the Attorney for drawing and Ingrossing the same, One Shilling to the Person who swears the same, and One Shilling to the County Clerk for filing it, and this Order shall be a standard Rule of this Court, to be observed by all Persons concerned for the future.

AMERICAN ANNALS;

OR,

HINTS and QUERIES,

FOR

PARLEMENT MEN,

1775.

GENERAL HOWE arrives at *Boston;* fights the battle of *Bunker's* hill, drives the rebels from their Post; and on the recall of General *Gage,* is appointed commander in chief of the Forces in *America.*

WAS he not cooped up in *Boston* the whole winter, with seven thousand as capital troops as ever man commanded?

WAS not the rebel army at that time, formed of the most despicable troops that ever were raked together? Where there no hopes of dispersing or defeating them by a sally? Did the General make a single attempt? Is not the advantage that discipline has over undisciplined forces, in an attack by night notorious? Is it certain that the wretched army that formed the blockade, was superior in number to the forces within the town? Is it true that Admiral *Graves* offered, with the loan of 500 land forces, to do effectual service by harrassing the rebel coast? Was he no refused?

March

1776.

March the 7th. The General evacuates *Boston*, and retreats to *Halifax* without demolishing a single house.

Would not the destruction of this place, effectually have prevented the rebels from attempting to form a naval power?

Had they any other harbour fitted for that end, or any other harbour, which we could not have taken at pleasure, has it not since proved a secure retreat to their privateers, and has not its importance to the rebels been just evinced, by giving to *M. D'Estaigne* the only security he could have had from total destruction? Was the burning of *Charlestown* reckoned an act of inhumanity? Was not that an act of immediate necessity? The neglect of the other, a present misfortune to us?

June. Leaves *Halifax*, and in *July* lands on *Staten island*, opposite to *New York*; and is joined by Lord Howe with a great body of troops.

Is so satisfied with the state of his army, that he declares *it to be so well supplied as not to want a pin.*

Aug. 22d. Lands on *Long island* with a body of troops superior to the rebels; on the 26th. beats and drives them within their lines; and would have forced them, had he not checked the ardor of his troops, by ordering them out of the reach of the musketry*.

Aug. 27. Encamps in front of the enemy's works.

——— 28. Ground broke at night 600 yards from a redoubt.

* Gazette Extraordinary

Enemy

—— 29. Enemy evacuate their entrenchments, and on the

—— 30. Their flight *discovered;* our piquets take possession of their lines, reach the shore, and fire at the rear guard of the enemy passing over to *New York.*

Are there not in this important crisis, three days in a manner unaccounted for? Ought not every advantage to have been pushed against a beaten terrified foe, and was not the opportunity lost of taking the whole army, and putting an end to this unfortunate war? What cannon had the rebels in the redoubt, which the General prevented his gallant troops from forcing? Had it any? Enquire the exact disposition of the cannon taken?

Has the effect of the General's humanity been felt since that day? What number of lives has it contributed to save from that time to this?

Oct. 11th. After taking of *New York,* the General lands at *Frog point,* east of the town; skirmished with the rebels for several days. On

Nov. 1st. Determines to attack them; but is prevented by a shower of rain.

Did not the rain fall on the rebels as well as the royal army? Was not that an opportunity for the disciplined troops to have advanced with their bayonets, when the enemy were incapable of firing, and would not that manœuvre alone have ensured success? Did not his troops when unrestrained, frequently prove the success of that weapon.

Ought not the General to have landed at the north end of the island of *New York,* and endeavoured to have driven the enemy into the *Cul de Sac** of the northern colonies?

* *Anglice* Lobs Pond.

And

And ought not he with the assistance of his brother, to have attempted to secure the navigation of the north river by the reduction of the forts *Clinton and Montgomery*, about 60 miles above *New York*? Would not the capture of those forts and the destruction of the Boom near them, have enabled our troops to have operated as high as *Albany*, and prevented the assembling an army in those parts? Did the General or Admiral ever think of interrupting the passage (over this broad river) of the rebel army into the *Jersies*?

How came Lord *Cornwallis* to be checked in his pursuit of the rebels in the *Jersies*? Is there not reason to suppose that but for the orders from the General to discontinue the pursuit* his Lordship would have destroyed the rebel army and have put an end to the war?

The General cantons part of his army (by his own† confession at such distances in the *Jersies*, that a brigade of *Hessians* are surprised and taken; after which, he is obliged to contract his cantonments, and return, not without disgrace to *New York*.

1777.

March 23d. A magazine of the rebels destroyed by Col. *Bird*, at *Peek's kill*, near forts *Clinton* and *Montgomery*.

The General passes the months of *April*, *May* and *June*, in the *Jersies*, reconnoitres the rebels in their strong position, and retires without attacking them; his troops pursued by them, but the latter are repulsed.

* Gazette *Feb.* 25th, 1777 † Same Gazetto.

Complains

Complaints of the want of camp equipage to execute his designs, till the 24th. of *May*.

Is the fact certain? If so, on whom at home should the blame fall? Was there no communication in respect to the operation of the campaign between Ministry and General? Were there any instructions? Of what nature were they? Was the Ministry or General to blame for the inaction or miscarriages of the campaign, or are they to divide the blunders between them?

July. The General embarks with above twenty thousand men under the convoy of his brother, and after a six-week passage, lands on *Aug*. 30th. at the lower end of *Chesapeak bay*, and finds himself five miles farther from *Philadelphia*, the object of his conquest, than he was when he left *New York*, and a more difficult country to pass through.

Oct. 19th. On this day or near seven weeks after landing gets possession of *Philadelphia*.

What motive had the General for not passing the direct way through the *Jersies* in this season, as he had flattered himself with the hopes of doing it in the midst of winter*? Had he not troops sufficient to have establised posts, and if needful preserved a communication with *New York*? Did the passage of the *Delaware* terrify him? If it did, was not the rich and loyal county of *Delaware* on the south side of *Delaware bay*, the granary of these parts of America, ready to receive him; and if he chose to go by sea, was not that the readiest and most open way to *Philadelphia*?

Has not the *Rhine* been passed with success by other Generals, in face of much more powerful armies than the rebels ever

* Gazette *Feb*. 25th. 1777.

had?

had? Did not the rebel army cross an arm of the sea to *New York* in his sight the year before? Did not General Howe make their greatest force in *December**, to be only 8000 men on the S. of the *Delaware*, 500 in *Morris* county, 3000 at *Peek's kill?* Does it appear that *Washington* received any considerable addition?

Sept. 16th. Desists again from attacking the enemy by reason of another shower of rain; which he allows spoiled all their small ammunition.

Sept. 26th. Part of his troops take possession of *Philadelphia*

Oct. 4th. Is surprised by *Washington*, but saved by the brave resistance of L. Col. *Musgrave*.

Oct. 21st. Send Col. *Donop* and a large detachment of gallant *Germans* across the *Delaware*, to attack a fort on the *Jersey* side, without having reconnoitred it, without artillery, without scaling ladders. They are repulsed with dreadful slaughter.

How came the General to forget his humanity on *Aug.* 26th. 1776? Was the occasion now more urgent? Or did he at that time think the total ruin of the rebel army less important than on this day by his fatal precipitancy, the bringing up his brother's fleet a few days sooner? Did not the rebels on the 18th. of *Nov.* instantly evacuate it on seeing that they were going to be attacked in a proper manner?

General *Clinton* (now left sole commander at *new York*), with a small force scours the *Jersies*.

Oct. 6th. Takes forts *Clinton* and *Montgomery*, destroys the boom, and opens for the first time a passage up *Hudson* river for the fleet,

Oct. 15th. General *Vaughan* and Captain *Wallace* having

* Gazette *Feb.* 25th. 1777.

sailed

sailed up to *Æsopus* creek, the General beats the enemy and burns the town. This place is not fifty miles from *Albany*, near which on the

16th. General *Burgoyne* and his whole army after the bravest resistance, the loss of numbers of gallant officers and men, and vast slaughter of the enemy, are overpowered with numbers and obliged to surrender. His march to this place was performed with unparrellelled difficulties, all which he surmounted, and when looking for a diversion in his favour, found himself abandoned.

Can this material question be too often repeated? Is it possible (as report says) that General Howe was not made acquainted by Ministry with this expedition? If he was, why did he not employ some part of the beginning of the summer, (which he passed in inactivity with a vast army), in reducing the forts *Clinton* and *Montgomery*; and attempting to disperse the army at *Albany* under General *Gates*? Would more than three weeks have been necessary for such an expedition?

1778.

From *December* 1777 till the *May* of this year, General Howe shuts himself up in *Philadelphia*; and remains the whole winter without an attempt on the small army of *Washington* posted about twenty miles from him, or endeavouring to destroy the rebel magazines?

Is it not evident that the winter was the proper season for an army provided with blankets and every protection against cold,

*General Howe's Letter, dated *Dec.* 13th. 1777.

to

to make a campaign against an enemy destitute of every thing, and who were quartered in open towns at no great distance*?

The General concludes his campaign with a triumphal tournament, and returns home with a riband, bestowed without thought; and let the General disprove that it is worn without desert.

Has the nation forgot the fates of Admiral *Byng* and Lord *G. Germaine*? The first was tried, condemned and executed; the last tried, condemned, and dismissed the service.

Were the single neglects of *Byng* and Lord G. G. equal to the accumulated neglects of the commander in America? Why should an enquiry into the conduct of General H. be laid aside? If he is innocent, his character will be brightened; if guilty, let him receive due punishment. But *put him on his country*, and GOD SEND HIM A GOOD DELIVERANCE.